
LETTERS

OF

Hibern=Anglus.

A PRELIMINARY LETTER.

ON THE APPOINTMENT AND RESPONSIBILITY OF MINISTERS.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,

PREVIOUSLY to pursuing the proposed discussion respecting the conduct of the Catholics, and the circumstances under which the late Proclamation has been issued, it is impossible for me to abstain from adverting to recent proceedings adopted by the Attorney-General of Ireland *. With the gentleman who at present holds that office, I have not the honour of any personal acquaintance, but the scenes acting in Ireland remind me of well known lines in our favourite dramatic Poet:

Lord Angelo is precise—

A man of stricture and firm abstinence—

We have strict statutes, and most biting laws,

The needful bits, and curbs to headstrong steeds;

For terror, not to use; unhappily even so;

And the *new Deputy now for the Duke*

Awakes us all the unrolled penalties

Which have, like unscour'd armour, hung by the wall,

And none of them been worn: and for a name,

He hath pick'd out an Act,

Under whose *heavy sense* our *liberties*

Fall into forfeit. He *arrests* us on it.

The particulars of these proceedings I have learnt but imperfectly, and only through the medium of a para-

* This Letter was not the first in the order of time; but has been printed on this occasion as a preliminary Letter. The proceedings alluded to relate to the notices given to persons on the part of the Solicitor for the Crown, to attend the *Attorney-General*, to shew cause why a criminal information should not be filed against them.

graph contained in your Paper. They appear to me, however, of a nature to call for immediate observation. Having detected, and I trust sufficiently exposed in the course of these Letters, an attempt on the part of Ministers actually to invade, in defiance of a proviso contained even in the Irish Convention Act itself, the RIGHT OF THE SUBJECT TO MEET AND PETITION FOR THE REDRESS OF GRIEVANCES, I must be excused if I both entertain and express considerable distrust of their ulterior views; and if I am disposed to watch with jealous suspicion, every approach in Ireland at the present moment against the LIBERTY OF THE PRESS. An Administration, capable of invading the one, will necessarily endeavour to suppress the other; and when it shall not only have lost the confidence of the public, but shall have excited throughout an entire kingdom an universal sentiment of disgust, and incurred general reprobation of its measures, it can support itself in power only by an attempt to annihilate every thing, that bears even the semblance of freedom. It has been a common observation in England, that a weak Administration is necessarily hostile to liberty, and disposed to adopt measures of tyranny and oppression. The observation is well founded; and whilst in absolute monarchies the people have frequently recovered their rights, through weakness in the councils of the Sovereign, in England, under similar circumstances, they generally have been most exposed and nearly extinguished. The British constitution can flourish only under the culture of an Administration enjoying *the confidence and respect of the public*; deprived of such fostering care, it will languish, decay, and ULTIMATELY PERISH.

The difference, between the free character of the British constitution and the harsh features of arbitrary monarchy, consists principally in the check which is imposed

in the one, upon the appointment or continuation by the Sovereign of his Ministers, which in the other is not to be found. This salutary check arises from the liberty of discussing freely their proceedings, and from the influence allowed and secured to public opinion, upon the measures and conduct of Government. It is the amenability, if I may so express myself, of men in power to this intellectual tribunal, which constitutes TRULY and EFFECTUALLY, the responsibility of Ministers; and responsibility thus constituted is not only the security and safeguard of the SUBJECT, but a principal protection of the CROWN ITSELF. It is the GRAND PRINCIPLE WHICH MAINTAINS our Body Politic, binding together parts otherwise incapable of adhesion, and establishing harmony throughout the whole system. By the operation of this principle, whilst respect due to the Sovereign is always preserved—whilst he is considered incapable, to use the language of the law, of doing wrong—and whilst an association is maintained even between the person and the office of the King, Majesty is protected against any surprise upon its conscience—the people are secured from abuses of Royal authority—and should any be committed, the remedy can be applied with HONOUR to the MONARCH, and without DANGER to the STATE.

How different is the fate of those countries in which such a responsibility does not prevail—where public opinion has no constitutional organ by which it can express its dissatisfaction at the choice or conduct of Ministers—and where grievances can be redressed, after the public patience has been abused and exhausted, only by a REVOLUTION !!!

I must request your permission to pursue a discussion, into which I have been insensibly led by this new proceeding on the part of the Irish Government.

The responsibility of Ministers upon the *foundation*

which I have already described, was established in 1688. It had, indeed, always existed in the *contemplation of law*, but it was subjected to no settled rule, and not capable of being applied practically but through proceedings severe, and often violent. The necessity of a new and determinate understanding upon this important point was occasioned by the injudicious selection, which had been made by James II. of improper Ministers, and by the obstinate determination manifested by that misguided, betrayed, and unfortunate Monarch, under a *mistaken* idea of firmness, to continue them in office, in defiance of public opinion. The distinguished Statesmen, who accomplished the memorable achievements of that period, had it not in contemplation to destroy, but to support the throne; fixing it on a basis sure and immutable. They entertained a dread of Despotism, but they fondly cherished a love of Monarchy. They proceeded not upon abstract principles—not upon visionary theory—not upon metaphysical speculations—nor did they allow their minds to ramble and to be lost in the mazes of antiquary research, or in a wild pursuit after imaginary and unattainable perfection. Their operations were conducted with a view to PRACTICAL BENEFIT, and they were the result of profound reflection upon known maxims and recent experience. They had witnessed the excesses of liberty, as well as those of regal authority; and they had found them equally if not more fatal to the order of society. They had also observed the rapid succession in which the licentiousness of faction had followed upon the steps of those, who had attempted to acquire arbitrary domination. To guard alike the MONARCH and the SUBJECT against the recurrence of similar calamities, they established upon new and sure grounds, the principle of responsibility to the public and to the country of Ministers, leaving the precious legacy to their

descendants, by whom it has since been matured, under the auspices of a family who have owed to this principle their exaltation to the THRONE of the BRITISH EMPIRE, and to the effects of its salutary operation the GLORY, in modern times, of their ANCIENT AND ILLUSTRIOUS HOUSE.

Let us consider the means by which this has been effected. The principle, as I have already observed, was founded with a view to practical benefit, and the application of it must always be consistent with the original object of its institution. That object was to promote, and not to impede, a wise and judicious administration of public affairs. In a Constitution, under which the Executive Authority is wisely entrusted with the most extensive faculties in respect to the relations of the State with Foreign Powers, and indeed, in the general predicament in which the British Empire must always be placed, it is obviously expedient, that the hand of those presiding at the helm of Government should be firm and steady—that political measures of importance should be concerted in the Cabinet, with an assurance approaching to probable expectation, that unless seriously objectionable they will be sanctioned, at least not condemned by Parliament. Without such confidence it is impossible that the affairs of the Empire can be conducted; and to ensure support, it is reasonable that Ministers should be themselves Members of Parliament—that they should have the means of ascertaining its disposition—and that they should enjoy a fair and reasonable influence upon the votes of that Assembly. A certain credit also is to be given to Ministers, *if properly selected*, for wishing to conduct well the affairs of the nation—it is their interest to administer them to the best of their judgment and ability—and consistently with a due vigilance on their proceedings, they are entitled to protection and support.

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disapproved, and supported by majorities consisting solely of their own dependents. They seem, indeed, inclined to venture still further upon an hopeless and dangerous experiment, the result of which, however, if persisted in, may excite convulsions which it will not be easy to compose.

I have been induced to trouble you with the preceding observations, in consequence of what is daily passing in Ireland. It is impossible to calculate the consequences which may ensue from an attempt to continue Ministers in office, who have forfeited for ever the confidence of that country. Was ever the sense of a nation more strongly evinced? IS IT POSSIBLE THAT IT SHOULD BE MISTAKEN?

The Treasury Journals of London may resolve to omit all mention of the numerous meetings held of Catholic proprietors throughout every county and city of Ireland, encouraged and protected by the most distinguished nobility, gentry, and even of the CLERGY among the PROTESTANTS of that kingdom. They may practise a system of *delusion* upon the public mind of Great Britain during a time, but can they alter the state of things in Ireland, or procure for Ministers in that country all they have lost, and never can retrieve? Previously to the Union, it was considered necessary to the continuance of a Minister in office, even in Great Britain, that he should retain a majority of votes in the Irish Parliament; and since the annihilation of that assembly, upon *assurances and expectations neither fulfilled nor realised*, can it be thought possible for a Minister to attempt the government of the Empire, having lost the confidence of so large and effective a portion! No Statesman will deny that it is now more than ever necessary to obtain in Ireland the support of PUBLIC OPINION, the loss of which no Administration whatever can SURVIVE. I am, &c.

HIBERN-ANGLUS.

Sept. 15, 1811

LETTER I.

ON THE GENERAL TENDENCY AND IRREGULARITY, IN
POINT OF FORM, OF THE PROCLAMATION.

SIR,

THE consequences, which may be apprehended from the measures recently adopted by the Irish Government, are of a nature deeply to interest the people of England, and to impress upon all, who are disposed to value the connection of Ireland with Great Britain, the most serious alarm. Whatever may have been of late the apathy of the public mind with respect to the *real* situation of the Empire, and especially as to the state of Ireland, whatever indifference may have prevailed during the last four years as to the general conduct of affairs; the PROCLAMATION lately issued from the Castle of Dublin, affecting a most important and invaluable privilege of the subject, denouncing as a crime what, by the Catholics of Ireland, hitherto has been considered an undoubted right, and a course strictly constitutional,

which they have pursued without interruption repeatedly, and only a few months since was recognized as lawful by the present Secretary of Ireland himself—a Proclamation calling upon the Magistrates to take, against the great body of the Irish nation, measures of hostility which many eminent lawyers conceive not to be warranted by any existing law; which some Magistrates have boldly and openly refused to enforce; which others, perhaps, will not attempt without the assistance of military support; and which Government itself seems timidly to execute within the seat of its own residence—a Proclamation which has thus endangered the peace of Ireland, committed that dignity which Government should seek on all occasions to maintain, and which by denouncing five millions of persons as guilty of high misdemeanours, by menacing the whole country with prosecution, and inducing every individual to tremble for his personal safety in the exercise of his constitutional birthright (*confirmed expressly by the very statute on which the Proclamation itself is founded*) may drive persons to armed associations for the protection of their liberty, and light up at once the flames of civil war—such a proceeding, so extraordinary and unprecedented, cannot fail at length to open the eyes of the British nation—to wake them from their state of torpor—to rouse their indignation against the temerity of the present Ministers—and to excite amongst all classes ONE LOUD UNIVERSAL CRY FOR THEIR DISMISSION.

After what had occurred during the last winter, and after the professions of Ministers in both Houses of Parliament in the last session, what INFATUATION could have induced persons who, although formally invested with the offices of administration, can in one sense be said to be Ministers, neither of the King since his Majesty is incapable of controlling or passing a judgment

on their measures, nor of the Prince Regent *, since they are obviously not persons of his choice but forced on his Royal Highness by inevitable necessity, to have had recourse at such a moment to such a proceeding. That to such men, after such a proceeding, the administration of public affairs should be any longer confided, is IMPOSSIBLE.

Under these circumstances, at a crisis when Parliament is not assembled, and the opportunity does not occur of animadversion on the part of those, by whom the injudicious conduct of Ministers might be more ably exposed, I trust I shall be allowed to address to you a series of Letters on this important subject. It is not my wish in the course of these Letters to indulge a spirit of personal invective, or in vague declamation, but calmly to investigate the points connected with the controversy which has arisen from this proceeding, to meet every question fairly; and I trust the sequel will shew a disposition, on my part, to discuss the subject with candour, moderation, and with impartiality. I do not hesitate in admitting, that of the conduct adopted by some Catholic Committees of Ireland I HAVE NOT MYSELF WHOLLY APPROVED; nor have I thought the course which such Committees have been accustomed to pursue, always the most eligible for the advancement of their own interests. My ideas on this point will be more fully explained in a future letter; but I have been impatient to make this admission, in order to obviate any erroneous impression

* It is notorious that communications had subsisted during the winter, with the party in opposition. The probability of his Majesty's recovery within a short period—the strength, at that time, of the Administration, within the walls of Parliament, which would have required a dissolution—and the speedy expiration of the mutiny and other Acts, were, in themselves, of a nature to create a necessity of continuing those in office at the commencement of the Regency.

upon the mind of your Readers, that I am actuated on this occasion by prejudice, or any party motive. I address you from a remote and retired part of the kingdom, without the opportunity of discussion with others, of perusing the journals of the metropolis, or of ascertaining the sentiments of Statesmen, and the general impression of the public mind of England at this serious conjuncture.

The Proclamation, Sir, of the Irish Government appears to me to involve two questions: the legality of the doctrine which it contains, and the general expediency of the proceeding.

The first point is by no means of inconsiderable importance; since, if it shall appear that the Irish Government have issued an illegal order, or one so questionable as to admit of controversy and reasonable doubt, the culpability of Ministers in resorting to a measure not called for, as I shall hereafter prove, by any necessity, but tending to excite ferment and to spread confusion throughout all classes in Ireland both of Catholics and Protestants, will be greatly increased.

Previously, however, to discussing the first point, I think it necessary to notice several important observations, which occur upon the form and extent of the Proclamation itself. Proclamations, in general, are always matters of delicacy, when not published in the ordinary routine of State proceeding. The language of them is strong, approaching to arbitrary command, and often discordant to British ears. They are entitled to respect, but to be viewed on all occasions with the most suspicious jealousy. They express, as it were, the personal orders of the King himself; and Majesty, or its representative, should never be made to speak in vain, still less to commit itself in such public official acts, by any unfounded allegation, or by any assumption of au-

thority not recognized by the Constitution. Proclamations are seldom resorted to, but when they are necessary to express the Royal Pleasure in matters clearly within the King's prerogative, as in relation to subjects going or remaining abroad, and serving with foreign Princes—the coin of the realm—the observance of fasts—military ordinances—the prorogation or dissolution of Parliament—the declaration of war, and other instances: occasionally indeed upon any sudden emergency, and on a pressing occasion, they are sent forth, *simply* to remind subjects of penalties imposed by Acts of Parliament which have remained dormant, or are not known generally to exist, and to command vigilance on the part of Magistrates in causing due observation, and in preventing any infraction of the law. If all the Proclamations issued by Sovereigns of the House of Brunswick be compared, it will be seen with what caution the advisers of such Proclamations have touched upon laws when dubious in their import, or not easily applicable to the particular case.—THE KING CAN EXPOUND THE LAWS ONLY THROUGH THE INTERVENTION OF ESTABLISHED TRIBUNALS—HE CAN DECIDE UPON ANY LAW, ONLY THROUGH THE JUDGES OF THE LAND, AND NOT THROUGH OTHER MINISTERS OF THE EXECUTIVE GOVERNMENT.

Agreeably to this axiom, I HAVE NO HESITATION IN OBJECTING, WITH ALL DUE RESPECT, TO THE PAPER PUBLISHED BY THE LORD LIEUTENANT OF IRELAND, THAT IT IS A DEPARTURE FROM THE COURSE OF CONSTITUTIONAL PROCEEDING. It exceeds the true and constitutional limits of a Proclamation. It does not MERELY RECITE a particular statute in the words of the Legislature, and call GENERALLY upon the subject not to violate the law, and upon Magistrates to proceed against those who may transgress its provisions; but it has ventured, contrary to the fundamental principles of the Con-

stitution, and to all precedent, to give *a construction by the Privy Council*, to the law, and to call upon the subject and the Magistrate to acquiesce implicitly in that *particular construction*—it pronounces *judgment* upon a complicated point of law, which constitutionally can be given, as before observed, only by the KNOWN and ESTABLISHED JURISDICTIONS OF THE LAND—it contains an assumption of judicial authority with which neither the Lord Lieutenant nor the Privy Council of Ireland are in this respect invested—it departs so far from the ordinary language of a Proclamation, that it is completely in the tenor of an indictment as used in the Scottish Court of Justiciary—it even amounts to what the most sagacious men have heretofore considered impracticable, AN INDICTMENT AGAINST A WHOLE NATION.

An indictment, according to the Scottish forms, contains always a major and minor proposition, differing materially from an indictment in England. The first proposition recites the law, the second the circumstances of the offence. The Proclamation pursues the same course. It first sets out, but *imperfectly* and *with the omission of an important clause*, the statute; and having proceeded to state certain Resolutions of the Catholics, it contains a complex conclusion of law and fact which, even if founded, I contend the Executive Government has NO AUTHORITY, IN A PROCLAMATION, to infer “that the assembly by those Resolutions proposed to be convened, is a *direct* violation of the provisions of the statute recited, and an unlawful assembly.”

There exist further objections in point of form to this paper. The Proclamation would, I conceive, have been objectionable, had it stopped at this conclusion; but the same infatuation which dictated the proceeding seems to have accompanied the preparation of the instrument; for having stated a supposed breach of law under the

statute, it bottoms the injunctions which it contains, not so much upon the violation of the law, as upon other circumstances of imaginary "danger to the peace and tranquillity of the State!" These circumstances might have been recited as matters of *inducement*, accompanied by the charge that the proceeding was also a violation of the law; but to make the Proclamation rest *principally* upon the imagination of the Executive Government, and only *collaterally* upon the breach of the statute, is a conversion of ideas, which to an English mind must appear truly novel and extraordinary. It tends to shew, if not confusion in the minds of those by whom this paper has been penned, at least that they entertained themselves a *doubt* upon the foundation of the whole proceeding, as not warranted by the statute—and that they thought it advisable to bolster up the case by an attempt to describe and denounce the proposed assembly as a riotous assembly at common law!

Let however the major and minor propositions of this Proclamation or indictment be compared. The major recites an act "to prevent the election or appointment of " *unlawful* assemblies, UNDER PRETENCE of preparing or " presenting public petitions or other addresses to his " Majesty or the Parliament." It then specifies various enactments against assemblies and proceedings held " UNDER SUCH PRETENCES." It omits however all notice of the important clause of the act protecting the right of petition—and in the minor proposition, and as warranting the conclusion afterwards drawn, that the proposed assembly is *within* the Convention Act, it states a Resolution of the Catholics, that a Committee be appointed; and for what purpose? In the words of the Proclamation itself, " to cause PROPER petitions to be forthwith " framed for the repeal of the penal laws, and to procure *signatures* thereto in all parts of Ireland, and to

“ take measures for BRINGING SUCH PETITIONS under
 “ the serious consideration of the Legislature, within
 “ the FIRST MONTH of the ensuing Session of Parlia-
 “ ment.” Is it possible to read the Proclamation, and
 not to be struck with its glaring inconsistency in setting
 out a law, enacted in express terms solely against meet-
 ings under the *pretence* of petitioning, and adducing as
 the only evidence against those whom it accuses of plot-
 ting confusion in the State and of intending violation of
 the law, resolutions which are not only sufficient to rebut
 that idea, but in themselves plainly evince that the Com-
 mittee is proposed to be appointed for no other purpose
 than that of petitioning Parliament *bona fide*, with de-
 cency, propriety, and dispatch!!!

An objection also occurs to the Proclamation, which
 applies to another class of his Majesty's subjects. It
 professes to have in view two objects, not merely to pre-
 vent the Catholics from being misled into a violation of
 the law, but to instruct Magistrates in the execution of
 their duty. It calls not upon them *generally* to prevent
 any violation of the statute, leaving *to their judgment*
 the application of it to each case; but it pointedly directs
 their exertions to the suppression of the proposed Com-
 mittee; concealing from their knowledge, at least not
 pointing out, a most important clause; and by intruding
 upon them an *extrajudicial exposition* of the law mislead-
 ing their judgment, and subjecting them, perhaps, to
 heavy damages, should Magistrates adopt the exposition
 of the Castle, and a Court of Law, in an action for da-
 mages brought to try the point, declare that construc-
 tion to be unfounded. What reparation can the framers
 of this instrument make to those who may be deceived
 by the plausibility of its authority into the commission
 of acts by which, their fortunes may be ruined, or their
 persons exposed to imminent danger, from the angry

passions, which the proceeding is calculated to excite in a nation characterised by strong feelings, and a proneness to quick resentment.

I remain, &c.

HIBERN-ANGLUS.

August 15th, 1811.

LETTER II.

ON THE AUTHORITY AND RESPECT DUE TO THE NAMES
SIGNED AT THE FOOT OF THE PROCLAMATION, AND
ON THE ACCURACY OF THE CONSTRUCTION WHICH
IT GIVES TO THE CONVENTION ACT.

SIR,

STRUCK with what appeared to me an incongruity and misconception of the law throughout this Proclamation, I looked with eagerness at the names of those by whom it has been signed. It bears the signatures of few Noblemen, and, with one exception, little of legal authority, such as will be considered of weight in England.

Among those of lawyers, the Proclamation contains that of the Right Honourable Dr. Duigenan! Upon the weight due to the authority of that Learned Gentleman, it is not necessary to enlarge. Many of your readers will be disposed to exclaim, upon the mention of his name, *DE HOC SATIS*. He is now sufficiently known to the people of England by his writings—by his speeches—but especially by an assurance given to the House of Commons, on a memorable occasion, *that he never should be summoned to a Privy Council respecting Catholic af-*

fairs, but only upon points connected with the discipline of the Protestant Church of Ireland; and that on all other occasions, as a distinguished Member, now no more (Mr. Windham), wittily observed he understood the assurance, "that he should be kept up like a mastiff, ad-
 "dicted to growl, and snarl, and bite at the quiet sub-
 "jects of his Majesty, fast bound, and effectually muz-
 "zLED." Upon the present occasion, however, when it has been so wisely determined "to cry havoc, and
 "let slip the dogs of war," the Doctor, it seems, contrary to compact, has been let out, or has escaped.

Mr. Saurin, I understand, has in Ireland the reputation of a great lawyer. He is known to us in England only as a Gentleman, who, in his place in the Irish House of Commons, in the debates on the Union, gravely and solemnly declared a settled and decided opinion, that the UNION ACT, EVEN IF IT PASSED, WOULD NOT BE BINDING!!! He is the Gentleman who prepared also the memorable letter of Mr. Pole, which contained a palpable MIS-STATEMENT OF THE LAW, and which Lord Eldon also described to be rather a SLOVENLY PRODUCTION!!

To such authority, upon points of constitutional law, I must be excused if I submit not with the most ready acquiescence.

To Lord Manners much consideration is due, and will naturally be rendered in England by those, who have had opportunities of personal acquaintance with his Lordship, and who have often witnessed in him, upon the Bench with English Judges, a luminous display of legal discernment, a beautiful perspicuity of style, a dignified suavity of manner, and all the elegance of a mind polished by nature, as well as by education. Upon a question of equity, there are few persons to whom I would more readily yield an opinion, and I should have

felt disposed to have rendered the same respect to the judgment of his Lordship in matters connected with the political Government of Ireland, had I not founded reason to apprehend that this Nobleman, naturally mild, amiable and conciliatory, repaired to Ireland with a taint of party prejudice—with notions of Irish affairs in many points highly erroneous, and previously conceived at home—without ever having had the means of forming an unbiassed judgment, by actual observation upon the spot. This I have ever considered as a misfortune, not only to his Lordship, but to the state; as the English Bar could afford few, in other respects, so qualified to give satisfaction to the Irish, and to improve the administration of justice in that Court, over which his Lordship presides with credit to himself, and advantage to the public. The situation, however, of a Chancellor affords little opportunity of accurately viewing the state of that country. The elevation of his rank, the nature of his duties, and his association with the politics of the party in power, preclude the means of extended discussion, or of learning the sentiments of persons differing in their opinions from the members of Government. What Cicero has observed with reference to other circumstances, is applicable to English lawyers, who, having long been shut up in Westminster Hall, are sent unexpectedly to Ireland in high situations, at a period of life when the mind is not easily susceptible of new impressions, or disposed to part with those previously formed. “*Nomen justitiæ amittent si judicia facta domi illic apportent.*” Lord Redesdale failed in attempts at discovery; and there is too much reason to fear that Lord Manners has continued too tenaciously attached to preconceived ideas.

Exaltation to office does not confer with it infallibility. We have witnessed an Attorney-General promulgating

authoritatively opinions, which, upon examination, could not be sustained, and were declared unfounded by a solemn judgment of the Court of King's Bench, after they had misled the Magistracy of England, and had nearly allayed the alacrity manifested in entering, upon what was then so highly extolled, the system of volunteer military service. It is a little unfortunate that the present Chancellor of Ireland was at that time the colleague in office of the Attorney-General to whom I have alluded, and that the Attorney-General, who was so egregiously deceived in his view of the laws which protect the liberty of the subject, should be in the present moment the Prime Minister of the Empire. I have not alluded to the circumstance invidiously, and the parties interested, if they knew the hand by which this letter is penned, would give credit to the assertion; but it has been necessary to advert to it, in order to shew that the opinions of lawyers are fallible, however elevated their rank in the profession. In political matters, they are even more than others liable to deceive their own judgment. The opinions of Crown or Cabinet Lawyers are never unbiassed; and even when consulted, they are expected not so much to advise upon the law, as to bend it to the support of political purposes. The impression of Lord Mannors, with respect to the illegality of the proposed Committee, is a *ministerial* and not a *judicial* opinion.

I now, Sir shall proceed to investigate the soundness of the legal doctrine, or rather the validity of the condemnation passed on the Catholics of Ireland, in the late Proclamation.

The legality of a Committee of the Catholics of Ireland, constituted as now proposed, and confining its operations *bona fide* to the framing and presenting of a petition to Parliament, has at all times been admitted by the Irish

Government, even on the occasion of Mr. Pole's letter. The legality of such a Committee can hardly be a question, since otherwise it will be impossible for a Court of Law to give effect to that clause in the Convention Act, in which the Legislature has so cautiously declared, that in enacting provisions against assemblies and delegations, set on foot *under the pretence* of petitioning Parliament, it meant not to abridge in the least the right of the subject to petition *bona fide*, or to prohibit the adoption of the measures necessary in the exercise of that right.

Without dwelling upon the history of the Convention Act, I shall content myself with arguments strictly judicial. It cannot be necessary to remind any professional reader that Acts of Parliament, according to all rules of sound construction, are to be expounded, not merely according to the *letter*, but consistently with the *general spirit* of the enactment; that the whole of a statute is to be reviewed, and the attention not confined to an insulated and solitary clause; that Acts of Parliament are to be expounded liberally for the liberty of the subject, and that penal statutes are to be construed with rigid strictness in favour of the party accused. Upon a review of the Convention Act, it is obvious that its provisions relate solely to seditious meetings and assemblies, convened by persons *under the pretence* of petitioning. The insertion of the clause in the Act protecting the right of actual petition removes the possibility of doubt upon the subject, and plainly indicates that all the measures prohibited by the body of the Act are allowed by the Legislature to be adopted in cases, where the parties have it in contemplation actually to petition for redress of grievances, and no other view.

I will venture to assert, that "THE RIGHT OF THE SUBJECT TO PETITION PARLIAMENT WOULD NOT HAVE

BEEN AFFECTED BY THE IRISH CONVENTION ACT, HAD THE EXCEPTION AND PROVISIO IN THAT ACT BEEN WHOLLY OMITTED. The Right of Petition is created, confirmed, and protected by so SOLEMN AN ENACTMENT, AND IS SUCH AN INTEGRAL PART OF THE CONSTITUTION, that it can never be destroyed by *inference* and *implication*—it can be annulled only by a positive and express repeal; and the bare right cannot exist *without including in it the liberty of doing every thing necessary to render the right practicable and available*. The insertion, however, of the proviso puts an end to all question, and demonstrates the legality of the measures which the Catholics of Ireland have purposed to adopt, and against which it has been attempted to hurl from the Castle this fatal, ill-judged, and, as I will venture to predict it must ultimately prove, VAIN FULMINATION.

Common sense alone can decide the controversy.—How is it possible that the right of petitioning *can* be exercised, unless it be allowable for persons to assemble, and discuss in the first place the propriety of petitioning, and the general nature of their grievances—to apply to or commission persons to reduce their complaints to writing? How can such persons so commissioned, or, if you will, *delegated* or *appointed* (for there is no legal magic in words), undertake or discharge the office assigned to them, unless they also shall be at liberty to meet and discuss the matter of the grievances complained against, the terms in which such a petition should be expressed, or the admission and rejection of particular matter? And as to the management of a petition, how is it possible for a multitude of persons, without delegation or representation, to communicate with members of Parliament inclined to present or support their petition? Why, Sir, the Legislature itself has EXPRESSLY DIRECTED SUCH DELEGATION, and for the wisest purposes, by ordaining that no

petition shall be presented by more than a certain number of persons; and yet, with the statute book open upon the Council table, and with the Convention Act expressly confirming to the subject the right of Petition notwithstanding any thing contained in that statute, we have seen the Government of Ireland erecting itself into a new Court of Criminal Judicature, passing its sentences in defiance of an express clause in an Act of Parliament, and ordering execution upon what may fairly be denominated the **GREAT MAJORITY OF THE PEOPLE OF IRELAND.**

I remain, &c.

HIBERN-ANGLUS.

Aug. 15th, 1811.

LETTER III.

THE SAME SUBJECT CONTINUED, WITH A DIGRESSION
CONCERNING THE LAWS AND CONSTITUTION
OF SCOTLAND.

SIR,

My ignorance of the effect produced in the metropolis by what has occurred in Ireland, as well as of the discussion which the subject may already have experienced, is to myself a circumstance of considerable regret. It must be my apology if I intrude, upon the attention of the public, matter with which they may have been already satiated, or arguments which may have been urged more cogently, and with superior ability, by others. If, however, these Letters should be thought in any respect worthy of consideration, it may be of some little advantage to an elucidation of this great controversy, that the sentiments which they contain are those of a person, whose impressions are original, having proceeded solely from the Proclamation of the Irish Government, and from a view of the case as it presents itself upon the face of that instrument; unassisted, and consequently unbiassed by any knowledge of the opinions which others may entertain or have expressed, in condemning, with myself, the conduct of the Irish Government.

SINCE THE REVOLUTION OF 1688, A MORE IMPORTANT SUBJECT HAS NOT BEEN AGITATED—its importance cannot be too strenuously urged—it cannot be too generally discussed. It concerns a vital principle of the British constitution—it involves the question, whether it shall be allowed the executive government to sport with

the most sacred rights of British subjects, and whether in the sacred name of Majesty, under colour of exercising a royal prerogative, they shall presume not merely to DISPENSE WITH, but actually to ANNUL the express provisions of an ACT OF PARLIAMENT!!!—Sir, the proceeding in itself alarms me—“*hæc novi judicii nova forma terret oculos, qui veterem consuetudinem fori frustra requirunt.*” I have looked in vain for precedent, but can find none—*nihil simile aut secundum.* The consequences I tremble to anticipate. May heaven only grant, that exciting, by an unexpected and unprovoked aggression, the indignation of five millions of persons thus insulted, stigmatised, and almost proscribed, by associating in their cause a large proportion of the Protestant interest of Ireland already disappointed at the Union and solicitous for its repeal, and by raising possibly amongst all classes a ferment similar to what raged in 1782, the rashness of the present Ministers may not cut short at once the too slender thread, which still binds Ireland to Great Britain.

In my former Letter I endeavoured to demonstrate not only that the Irish Government in this ill-judged measure has acted under a total misconception of the law, but that the Proclamation is in itself *modo et forma*, an ILLEGAL PROCEEDING. The more I have reflected upon this subject, the more I am confirmed in that opinion. The impressions, however, of an individual, especially of one who is anonymous, upon a point of law, neither carry with them nor are entitled to consideration, unless they be supported by argument. I therefore feel it incumbent on me, previously to examining, as I propose, the expediency of the proceeding, still to pursue the discussion of the legal question.

With a view to expose the informality of the Proclamation and its incongruity with itself, I was induced to

advert to the forms used in the criminal Courts of Scotland. The minds of some who generally advocate the cause of the present Ministers are of such limited expanse, that it would not create in my mind surprise, if a sneer were attempted to be raised on the occasion *. What may not be expected from those, who urged it as a reproach to Lord Grenville, that his Lordship when in office, with the mind of a Statesman vigilant upon the interests of every part of the Empire, lost not a moment in an endeavour to ameliorate the administration of justice in a country, where civil judicature was actually at a stop, in consequence of an omission in other Ministers, possessed of professional knowledge, and enjoying opportunities of local experience, who, although endowed with the most active minds and most splendid talents, had never thought of drawing the attention of Parliament to that important subject. “ Scotch law and Catholic divinity ” was a cry we well remember, at least it has not been by me forgotten. I therefore am induced to trouble you with some observations, which although not immediately applicable have a certain connection with the question.

I am not, Sir, a native of Scotland; but it has happened to me to have had the means of ascertaining the political state of that country, and to cultivate the study of its jurisprudence. I know no reason why some of the institutions of a kingdom, which daily increases in its political importance, beyond the conception of those who have never beheld its agricultural improvement or its splendid maritime and commercial establishments, should not be entitled amongst Englishmen to consideration and respect. Of those institutions the least admirable are not

* The Author was not mistaken. This Letter occasioned a controversy worthy of perusal, and annexed to the present publication.

those, which establish a more complete toleration than is permitted in England—which have removed so much further all civil restraint on account of religious opinions—which allow equal benefit of national education to all persuasions—which permit not the Divine mysteries of the last supper to be profaned and made

An office key and picklock to a place *,

which have established perpetual peace between the pastor and his flock, and by most salutary arrangements, have precluded the possibility at any time of a collision, between
THE CHURCH AND THE STATE.

In many respects, but particularly in the latter point, England has *much to learn* from North Britain. It is also to be recollected that England, however considerable, is only a part, *and not the most flourishing and united part* of the British Empire. The people of Scotland and of Ireland have therefore surely a right to protest against any system of general policy, adopted solely with reference to English prejudices, and with a view to local establishments with which the Empire generally has no concern; but especially against a system which is guided principally by attention to the limited notions of clerical residents in an English University. None can respect, more than myself, the establishments of Oxford and Cambridge—none can wish more fervently their continuance and glory, as the most distinguished seats of learning throughout Europe, *semper honos laudusque*; but I will remonstrate, and in the strongest terms of the warmest friendship, against the *imprudence* of interference on their part with questions of IMPERIAL POLICY, and still more against a sacrifice by Statesmen of what is the GENERAL INTEREST OF THE EMPIRE, to the imperfect conceptions of a few scholastic Churchmen.

Let the Church of England remain as it is established,

a PART, but not be considered the WHOLE, of the State; let it be represented by its venerable Bishops in Parliament; let the Houses of Convocation meet, not merely in form, but for the transaction of Ecclesiastical affairs, and in the same manner as the General Assembly, although otherwise composed, of the Church of Scotland; let the *spiritual* jurisdiction (exercised, not as at present, by *laymen*, but in future, by *Ecclesiastical* persons), and let even the temporal jurisdiction of the Church continue; may she enjoy, decorated with splendid and conspicuous honour, all her constitutional rights and privileges, in their fullest extent; let them, if necessary, obtain additional support and confirmation by law—but in the name of Christian charity and of social peace, as we value our liberties and independence, as we esteem our national character on the Continent, and the respect among foreign nations of our Sovereign or Regent, as we are anxious for a successful termination of the dire contest in which the Empire is engaged, let us, with one voice, loudly deprecate any thing like that worst species of divided controul, that most fatal *imperium in imperio*—I would almost say, that abominable PANDEMONIUM—a gloomy, dark, interior cabinet of meddling, intriguing, drawing-room, levee-crowding, terrace-walking PRIESTS, men whispering with courtiers in anti-chambers, and inscribing themselves daily at the thresholds of Princes,

“ Those subtle dæmons that reside in Courts,

“ And do their work by bows and smiles,

“ That little engin’ry so mischievous;”

presuming, however, to sit in judgment upon the Councils of the State—traversing the most enlightened Statesmen in the prosecution of the most salutary measures—stepping on all occasions between the Sovereign and his Ministers—if not by a secret, but potent and indiscrible influence, actually advancing men of slender pretensions to the highest offices of Administration, and sup-

porting them afterwards in power, in spite of the most strenuous Parliamentary opposition and of public opinion, merely because they may be formed, some by nature, the prejudices of education, or the ardour of temperament; others prone, by a grovelling spirit of time-serving accommodation, to be fit instruments for the execution of the wild schemes devised by fanaticism or intolerant bigotry. By such a Cabinet, the CROWN OF ENGLAND has already once been lost, AND BY SUCH A CABINET MAY IT NEVER BE AGAIN ENDANGERED.

To return, however, to the subject. The law of Ireland being strictly analogous to that of England in the doctrine of what, in technical language, is called *pleading*, or, to express myself more intelligibly to the generality of your readers, in the forms of judicial proceeding; I shall endeavour to shew, by reference to the mode in which an indictment under the Convention Act must be framed, the accuracy of that construction for which I have taken the liberty to contend, in opposition to that which has been adopted by the Government of Ireland. No person who can pretend to have the slightest acquaintance with the rules of special pleading will attempt to deny, that an indictment under this statute must charge CLEARLY, POSITIVELY, and UNEQUIVOCALLY, that the act complained against has been done UNDER THE PRETENCE of petitioning *. The omission of such a charge would be fatal, and an indictment in which it should be wanting, must instantly be quashed. The mode of pleading, in this instance, elucidates and settles

* Since these Letters were written, I have had an opportunity accidentally, of reading in the Dublin Evening Post of the 8th October, an invaluable argument upon the Convention Act, which is one of the most able compositions I ever perused. The Gentleman by whom it has been written has taken the same line of argument pursued by myself, but more in detail, and with very superior ability. I hope it will be printed in a separate form.

the law itself; and it is unnecessary for me to remind the reader, that it is a criterion by which, according to the highest authorities upon English jurisprudence, the law can frequently be most accurately ascertained. The *pretence* in such an indictment is the *gist* and mainspring of the offence. The *intention* of the party accused becomes, therefore a necessary investigation—it is a question arising on the record out of a positive averment of **FACT**, to which *not the Judge, but the Jury*, must answer, which can be inferred by no legal implication, but must be proved; and it is to be tried, not by political speculation, not by party prejudice, not by narrow-minded bigotry or religious animosity, but *re ipsa*, by *legal evidence*, and by men sworn to give, according to such evidence, a **TRUE VERDICT UPON THEIR OATH**, as they shall answer to the Eternal God, on the last day.

The lawfulness or illegality of an assembly under the Irish Convention Act is a mixed question of fact and law, or more properly, of fact alone. It is not the mere meeting upon principles of delegation which is unlawful; but an assembly under the pretence of petitioning, in fact convened for other purposes. Strongly as I condemn the form of the Proclamation, or the adoption of such a proceeding, it occurs to me, that some degree of objection would have been removed, if, after stating the Act of Parliament, and the intention of the Catholics to appoint a Committee, the Irish Government had proceeded to aver, “That the Lord Lieutenant had reason
“ to believe that the assembly so proposed to be con-
“ vened was called only under the pretence of petition-
“ ing, and therefore would be an unlawful assembly un-
“ der the provisions of the statute.” The Proclamation, however, is silent upon any secret intelligence—it pretends not to any ulterior information possessed by Government respecting the views of those who have passed

the resolutions in question—it exhibits those resolutions as the only evidence of the purpose for which the meeting is convened, evidence so far from making out a case on behalf of Government, on the contrary, evincing that the parties have in view solely the preparing and presenting of a Petition to Parliament—and from premises afforded only by those resolutions, it proceeds at once dogmatically to infer and to declare, that the proposed assembly is illegal, and within the Act!!! What is to be thought of such a Proclamation prejudging the parties accused, by a sentence of the Executive Government, not only unauthorised by any principle of the Constitution, but not warranted by the grounds on which it professes to found its proceeding? For my own part, had I the honour or capacity to hold a judicial situation in Ireland, I should be disposed to view an instrument, containing, by anticipation, such a special and solemn condemnation of the parties accused, nearly in the same view as a paper calculated to inflame the public mind, and in the case of prosecution against any Catholic nobleman or gentleman, if presiding at the trial of an indictment or information, I should not allow any person who had read the Proclamation, to discharge the functions of a jurymen.

It had also occurred to me that it would be impossible to frame a warrant, under the circumstances disclosed by this Proclamation, as no person, I imagined, would have the boldness to make positive oath of his belief, that the parties meeting or voting at the election of Delegates had it not in contemplation actually, and *bona fide*, to petition the Legislature. I therefore had supposed, that if the Irish Government proceeded at all, they would direct the Attorney-General to file against the parties a CRIMINAL INFORMATION. Great, indeed, has been my surprise in reading since writing my former Letter a war-

rant, in which, with a view as it should seem of getting over the difficulty, it has been thought advisable to add words NOT TO BE FOUND IN THE CONVENTION ACT, but contrary to its import, and to its EXPRESS PROVISIONS! It charges the act of the parties against whom it has been issued, as done "*for the purpose or under the pretence*" of petitioning Parliament. The Chief Justice, it appears, did not think proper *to allow the Gentlemen arrested any opportunity, previously to their commitment, of being heard by Counsel against the validity of the warrant* *; but I will put it confidently to the whole Bar of England, whether in their opinion such a warrant, so vaguely expressed, and contrary to an express proviso of the statute, if issued in England under an English Act of Parliament, upon a return to a writ of Habeas Corpus, would stand an argument in Westminster Hall?

HIBERN-ANGLUS.

August 20th, 1811.

* His Lordship's opinion therefore, as delivered on a late occasion, was an opinion prematurely conceived and expressed extrajudicially, which he was bound in consistency, in honour, in pride, and even in *interest* to maintain. Is it surprising that under such circumstances a jury should have disregarded the charge of a Judge, directing them to construe *pretence as purpose!!!* I do not believe that the Lord Chief Justice was capable of being influenced by any improper motive; but yet the fact will be transmitted to posterity, that his Lordship was *actually interested* in maintaining that construction. Upon that fact posterity will exercise a judgment which no court can controul, which no Attorney-General can prevent; and they may be disposed to think that, under the circumstances, a Chief Justice should have declined granting such a warrant, or having granted it, that he should have abstained, after actions brought against him, under respectable advice, from giving any judicial opinion. Upon a point of honour and delicacy every man must decide for himself. I would never have given a judgment tending to protect me from damages to the amount of TWENTY THOUSAND POUNDS. If a CHIEF JUSTICE I should in a case of misdemeanour, have declined to act as a POLICE MAGISTRATE, and not have granted any WARRANT.

LETTER IV.

ON THE INEXPEDIENCY OF THE MEASURES ADOPTED
BY THE IRISH GOVERNMENT.

SIR,

WHAT desirable object could possibly be obtained by noticing any violation of the Convention Act, even if, in this case, any have been committed? It might prevent the meeting of a Committee, consisting of Noblemen and their sons, Baronets, Country Gentlemen, distinguished Barristers, and opulent Merchants—it might stop the preparation and conduct of a petition to Parliament by persons of high rank, known loyalty, great personal honour, and deeply interested in the prosperity of Ireland—but could it stop, at the same time, the press, stifle discussion upon the measure itself, as well as upon the general state of affairs, and the situation of Ireland? It might prevent one meeting in Capel-street, presided at by the Earl of Fingall, composed of respectable and discreet persons enjoying the confidence of their body, deliberating upon the means of conciliating differences and of promoting, in an auspicious moment, the accomplishment of a satisfactory arrangement; but could it prevent, or rather would it not tend to occasion, meetings of EVERY PARISH IN IRELAND, and assemblies almost of its WHOLE POPULATION throughout the country,

convened under a general impression of irritation and indignation, not for the purposes of discussing the propriety of a petition for the redress of Catholic grievances, but for the protection of their liberties, against what they would consider and feel to be an unprovoked, unmerited aggression—for the repeal of the CONVENTION ACT ITSELF, and possibly, in conjunction with other classes of *Protestant* subjects for the repeal even of the ACT of UNION—assemblies of tumult, uproar, and confusion, in which every man might indulge with impunity his spleen and resentment—in which, the more desperate the resolutions proposed, the more favourably they would probably be received and adopted—in which the counsels of reason and moderation would be drowned in the violence of clamour—and by which all those evils, against which the Proclamation professes to guard the State, might become effectually realised, merely through the operation of such a measure itself? Really, Sir, it occurs to me, and I conceive many will agree with me in thinking, that if our worst enemies had studied how to throw combustibles into the heart of Ireland—to set the whole country in flames—to produce the most tremendous explosion—to let loose all the rage and phrenzy of which the Irish nation are so often accused, and of which it must be admitted they are sometimes susceptible; no plan could have been devised more calculated to accomplish their purpose, than to have fabricated and disseminated as a genuine document the same Proclamation, which Government has itself fulminated from the Castle of Dublin.

The Irish Catholics, however, are a body so considerable, and by this proceeding rendered so united—their cause is so strong in itself—and they are supported to such an extent by the Protestant interest of that kingdom, that I fear no excesses originating from themselves

but only what may result from the blind temerity of Ministers, should they be in office at the moment when I am writing, and should they attempt to effect, by a military force that, which by the aid of the Civil Authorities they never can accomplish. The Magistrates of Ireland are too prudent—too much interested in preserving the public peace—too conversant with the principles of the Constitution—and too high-spirited, to yield obedience to an instrument, which can be compared only to the RESCRIPT of an IMPERIAL DESPOT—and they will never suffer themselves to be bullied by the frowns of the Castle, or the mandates of a Secretary, into the commission of what in their judgment, until directed otherwise by the sentence of a competent and constitutional tribunal, they do not conceive to be warranted by the LAW OF THE LAND. The question agitated by Ministers in Ireland does not regard the privileges of the House of Commons, or laws undefined, and, to all but Senators unknown—it depends upon the construction of an Act of Parliament to be expounded authoritatively only by Judges upon their oath, and according to known and established rules which Ministers can neither dictate, nor controul. They have already learnt the disposition of the magistracy of Ireland on this occasion, but they ought to have known it previously to issuing the late Proclamation. What course will they now pursue? They may displace Mr. Lidwell, but will they venture to remove the COLLECTIVE BODY OF THE MAGISTRACY THROUGHOUT WHOLE COUNTIES, and after all, is it a FAIR CONSTITUTIONAL EXERCISE OF ROYAL PREROGATIVE TO REMOVE JUSTICES OF THE PEACE, BECAUSE, UPON A POINT OF LAW, UPON WHICH THEY ARE ADVISED BY EMINENT LAWYERS THAT DOUBTS MAY SERIOUSLY BE ENTERTAINED, THEY REFUSE TO ADOPT, AT THE SUGGESTION OF MINISTERS, BUT AT THEIR OWN PER-

SONAL PERIL, A CONSTRUCTION OF AN ACT OF PARLIAMENT, QUESTIONABLE IN ITSELF, AND A CONSTRUCTION AT ALL EVENTS INFORMALLY PRESCRIBED BY AN ILLEGAL ASSUMPTION OF JUDICIAL AUTHORITY? What right, I will ask, has a Secretary, or even a Lord Chancellor, whatever he may suggest or recommend, to DICTATE to a Magistrate in the exercise of a JUDICIAL DUTY, and what, Sir, will be our situation, if Justices of the Peace are to be rendered mere servile instruments of a tottering Administration; put in, and turned out, according to party prejudice or predominance—deprived of all discretion or liberty of judging for themselves—if reluctant to obey arbitrary and unauthorised commands militating against the exercise of our dearest rights, liable to be removed at once from their situations, and allowed to hold them only for the OPPRESSION of the subject, not for his PROTECTION? Would Ministers DARE to remove, from the commission of the peace, under similar circumstances, an ENGLISH GENTLEMAN?

Into what a situation have the Irish Government brought themselves and the country! To use the expressions of a departed orator, a bright ornament and the Marcellus of Ireland, "THEY HAVE SOWN DRAGONS TEETH UPON THE ISLAND, AND MAY THEY NOT RISE UP IN ARMIES AGAINST THEM *."

Many of your readers may conceive, that upon the question of expediency I have already written enough; and that any further endeavours to expose the folly of their proceedings are superfluous. It appears to me however important, that the matter should be more fully (and as some possibly may think) more dispassionately considered. I shall therefore proceed.

The long acquiescence of government in the legality

* Hussey Burgh.

of Catholic Committees would in itself afford a strong argument against the measure under consideration; at least it is of a nature to put Ministers upon proving by clear evidence the necessity of departing, on this occasion, from the system hitherto adopted by their predecessors, and even by themselves. Had the point of law been actually in their favour, and such Committees, appointed under a system of delegation, within the letter of the Convention Act, which I contend is obviously not the case, nevertheless all moderate and reasonable men will be induced, I believe, to concur with me in thinking, that it would be a grave question upon principles of sound policy, whether it would have been advisable, under the circumstances, to have noticed this imaginary violation of its provisions.

It is not in all cases, still less in the present, an answer to a charge against Ministers, that their measures may be warranted by the strict letter of the law. The conduct of a Statesman, in conducting the affairs of a great empire, ought never to resemble the vigilance of the clerk of indictments on a circuit, or the astute and callid investigation into penal statutes of a common informer. The magistrates of Bow-street would inform the Prime Minister that to visit every transgression is impossible, notwithstanding the attempts of a society instituted ostensibly with that view, and under the protection and auspices of his distinguished and liberal support—they would inform him further, that much practical benefit results, sometimes, even from connivance at crimes and offenders. The collectors of revenue will declare, and I believe have often represented in strong terms, the inconveniences, and in some cases the impossibility of rigid exaction; and the Protestant nobility and gentry of Ireland will not thank the Minister for endangering by the late measure,

and by this strict attention to the LAW, the PEACE of the country.

There is a saying among lawyers *summum jus summa injuria*—there exists a political as well as a legal EQUITY;—and there are many cases in which an attempt to maintain a law, by an actual enforcement of its provisions, will create in the execution of the enactment more serious evils than the breach of it, and may ultimately endanger the law itself. There are, moreover, laws originally established, or subsequently continued, merely *in terrorem*; which even legislators do not conceive practicable, but which they nevertheless enact or continue, satisfied if they confine or regulate by intimidation the measures of those, whom wholly to counteract they know to be impossible.

The Irish Convention Act has always appeared to me to fall within the latter description of enactments. The persons by whom it was penned never had any other object, than that which I have described. It would be a bad compliment to their understandings to suppose that they entertained ulterior views of actual enforcement in the framing of an Act, which if ever brought before an established Court of Judicature (*the only legitimate and constitutional tribunal authorised to expound Acts of Parliament*), must perplex Judges more than the most confused and unintelligible will ever penned by the most extraordinary or inept individual; and the declarations of persons in the confidence of government at the time, as well as the Parliamentary history of the statute (as far as I can depend upon my recollection of what I have read, having no opportunity of referring to the debates) evince the accuracy of this supposition. They denied that its principle had any retrospect—they dared not, nor would they have been able to deprive the subject of the right of petitioning; they made up a mixture consisting partly of common law, partly of statutory provision, but (what is

peculiarly important to the present discussion) they gave the Catholics *, who were alarmed, **DISTINCTLY TO UNDERSTAND**, that what they proposed had no reference to their own late convention, or to **ANY FUTURE PROCEEDINGS ON THEIR BEHALF IN PETITIONING PARLIAMENT**, and by such an assurance induced that body, against whom it is now attempted to be turned, to **ABSTAIN FROM ANY OPPOSITION TO THE MEASURE!!**—In a former Letter, and in arguing the question of **LAW**, it will be recollected, that I declared I would abstain from any arguments not **STRICTLY JUDICIAL**. I therefore postponed the statement of this important fact, until I came to consider the question of expediency. In what a light does this fact exhibit the conduct adopted by the present Ministers? as violating plighted faith and the most solemn assurances on the part of those, by whose engagements, according to the accustomed course of official proceeding, they must be deemed to be themselves bound, and of which they must be supposed to be informed!!!

Such has been the view in which I have always contemplated the Convention Act, and satisfied not only with the positive assurance of Government, but with the language of the Act itself, I should not merely have remained indifferent to the continuation of it upon the statute-book, but I should not have concurred in any endeavours to obtain its repeal, as I never conceived it possible, that by the Executive Government it would ever have been thus abused. Observe, Sir, the conduct of the leading Catholics in this respect, and their steady adherence to their own engagements with Government. They have never complained of the Act; they have never petitioned for its repeal; and in all their proceedings when it has been thought necessary to have recourse to the ge-

* It is now admitted in the Letters of Marcus in defence of Ministers. Vide also the letter of Mr. Lidwell.

neral body of their persuasion, they have always endeavoured to inculcate respect for that enactment. The proceedings, however, of Ministers on the present occasion render the continuance of the Act no longer possible; and it is no small inculpation of their conduct that they have contrived to render those persons most inimical to them, who were most disposed to excuse the system on which they have acted in the government of Ireland, to palliate their errors, and to lend them even assistance in the management of that kingdom! They would not, however, advise with Catholics whose principles were known, whose anxiety to conciliate differences was conspicuous, to whom they might safely have communicated any apprehension or uneasiness, and from whom they would have learnt information upon former arrangements and stipulations. They have determined to act entirely by themselves, and if *they have acquired* by any accident, *any knowledge of opinions privately entertained by individuals among the Catholics upon the propriety of acknowledging Catholic Committees on the part of Administration, or of sanctioning a system of representation by delegation from that body, they have misconceived them totally—they have misapplied the prescription—and they have adopted it without consulting the physician from whom it proceeded.*

What can be a more striking proof that they have been totally wanting in ordinary dexterity, than the fact that they have compelled a nobleman, distinguished on all occasions by the moderation of his conduct and sentiments, by his anxiety to mediate between government and the mass of Irish population, and who, enjoying neither salary nor pension, nor place, nor public employment, during a series of years, in the most stormy times, and in situations of great personal peril, has made the most important sacrifices upon principles truly patriotic of health, repose, popularity and fortune (the

reader will see at once, that I allude to the Earl of Fingall), to call a meeting of his extensive and opulent county, in vindication of his own insulted honour publicly branded by this proclamation; in defence of his own personal rights and liberty, as well as those of the body, in which he holds such exalted rank and well deserved consideration?—To such Ministers, who have brought the most delicate question to such an extremity it is impossible that the affairs of the Empire can be allowed to be any longer entrusted. They may linger in office, but **THEIR ADMINISTRATION IS ALREADY DISSOLVED.**

It has indeed, long been the baseless fabric of a vision, gradually disappearing, and which now must soon vanish, leaving not a reck behind. Unhappily for themselves, still more unfortunately for the country, there is no individual of leading importance in the Cabinet, whose mind was ever directed, until lately, to the consideration of Irish affairs. None who was privy to the ideas of Mr. Pitt upon this subject, and who was admitted to his confidence upon points, on which it was necessary for him to observe a conduct of profound mystery even towards those, with whom he was in other respects cordial. They have lost or dismissed not only their colleagues, but even their under secretaries, scribes, and clerks, all who were in the least accustomed to the ordinary routine of Irish business. Their sole aid proceeds from Mr. W. Pole, assisted, as it should seem, by the luminous discernment, and calm impartial deliberations of the Right Hon. Dr. P. Duigenan; and thus they appear to have taken for their sole advisers in the management of Ireland, two of the persons who have rendered themselves most obnoxious to the Irish nation, making the one a Privy Counsellor, upon assurance formally delivered which since has been as publicly violated, and conferring on the other, upon a prin-

ciple highly objectionable, an additional office at a moment when his recent conduct was in a manner condemned by themselves at home, and in Ireland generally and loudly reprobated. At such a moment, and under the prevalence of such an impression, in Ireland, they have not only continued this gentleman in the superintendence of Irish Police as Secretary of that kingdom, but they have invested him with the administration of Irish Finances as Chancellor of the Exchequer, and to prepare the people of Ireland for a more chearful contribution to the exigencies of the state, they leave to a person, whom they accuse of wantonly attacking their most valuable and constitutional RIGHTS and LIBERTIES, the charge of devising plans for their future TAXATION !!!—Is *this* the mode to govern such a country as Ireland, to remove prejudices, and to complete the union of the two kingdoms? Do Ministers know, or have they borne in mind that the articles of that measure are to be revised at the expiration of twenty years, of which half are nearly already elapsed? and do they recollect the proceedings during the last year of the PROTESTANT CORPORATION OF DUBLIN?

But what are we to expect? It is not so much the fault *personally* of Ministers, whom I am ready to believe, and some of whom I know to be upright, honourable, and conscientious men—it arises from the circumstances of their situation, and from their ignorance of Ireland, of its temper, habits, progress in civilization—of its history since the commencement of the American war, but more particularly since the epoch of the French Revolution and of the Union. Let their situation be considered: Marquis Wellesley I put entirely out of the question. The part which he takes in the proceedings of Administration is unknown, and mysterious. He never opens his lips in Parliament to sanction or defend the measures of his colleagues, except in what relates to his own par-

ticular department, and the public hardly recollect that his Lordship is in office. Although possessed of property in Ireland, he has never resided in that kingdom. The ideas which he may entertain of Ireland are those of an Irish Protestant of former days; during the last twenty years they have undergone a total change; and he has been more accustomed to the arbitrary sway of an ASIATIC EMPEROR than to the government of a FREE COUNTRY:—neither his Lordship nor the Earl of Liverpool are lawyers, and Lord Mulgrave, as the friend of Mr. Pitt, has differed always from his colleagues in his language respecting the Catholics of Ireland.—Lord Eldon did not appear, during the last Session, cordially to approve the measures of the Irish government. Mr. Yorke, as the brother of Lord Hardwicke, *cannot* approve of them, and they must be strongly condemned by Viscount Melville*. The public will look, under such circumstances, to the First Lord of the Treasury and to the Secretary of State for the Home Department, his attached friend, from the nature of their attainments and of their official situations, as the leading Members of the Cabinet at home, upon questions regarding the Administration of Ireland, and the enforcement of this Act of Parliament.

What has qualified these very honourable, and in many respects intelligent gentlemen, for this peculiar and arduous task? Independently of a general indisposition

* The late Lord Melville was during the whole course of his political career the most decided advocate of the Irish Catholics. The part taken by his Lordship to reconcile his Majesty to Catholic emancipation is well known. He also protected, in a special manner, the Catholic clergy of Scotland. It is impossible that his successor should think differently from his deceased father on this subject; or that the interest of which he may be supposed to have the care, should support Ministers any longer in an opposition to the cause of Ireland, which is equally the cause of Scotland.

in the minds of Englishmen, in other points inquisitive and well informed, to concern themselves about the state and condition of Ireland, there existed no motive with them, at the commencement of their career in life, to give any attention to its affairs. Ireland had at that time a separate Parliament, a separate Establishment, separate Ministers, and the politics of Ireland were only of local interest. At the period when the Irish Convention Act was enacted, the present Premier was a junior Barrister, occupied with the Crown Circuit companion at the Assizes, and in London with the law touching the embezzlement of naval stores, as Counsel to the Admiralty—the present Chancellor of Ireland was a senior of great respectability leading the Premier upon the same Circuit, and the present Secretary of the Home Department was principally employed in arguing cases upon the Poor Laws at the Quarter Sessions of the Peace for the counties of Worcester and Stafford. These circumstances are not stated with any idea of ridicule or *pérsiflage*, still less of reproach. *Multi probi & boni homines idem fecerunt*, and the English bar could not produce three gentlemen more amiable in their dispositions, more urbane and polished in their manners, more strictly honourable and correct in their professional deportment, more justly esteemed in their law clubs and societies. They were entitled also, from their attainments and assiduity, to a greater share of employment in their profession, than it was their lot ever to enjoy. They had however enough not only to attract but to confine their attention solely to their professional pursuits, which might occasionally extend to questions of Parliamentary form, to points of order, and upon legal subjects, or those strictly domestic, to a speech in the House of Commons. To the support of Government in the career of their profession they had claims, from their attendance and votes in Parliament, as

well as from their birth and connections—to some of its honours they might with encreasing practice aspire—but at that point there seemed to be fixed a *ne plus ultra*. To become Ministers of State, and to attain the direction of public affairs, especially in matters relative to Ireland, must have exceeded, at that period, the bounds of their most sanguine expectation, perhaps even of their proudest ambition. Their patron Mr Pitt was in the prime of life, leagued at that time with many distinguished statesmen, many of whom are still alive; and he was surrounded by a numerous suite of political disciples, whom he sought to train for the conduct hereafter of public affairs, not by the drudgery which is necessary in the practice of the law, but by early initiation into the offices, and into the mysteries also of the State. Their own stations were fixed by the Commander in Chief; and the Opposition contained a number of competitors for power, men of very splendid and conspicuous talents. They had, under such circumstances, no inducement whatever to study or concern themselves about the affairs or government of Ireland.

It is not necessary to dwell upon the circumstances which have placed these Gentlemen, for whom the writer of these pages entertains personally a very sincere and unfeigned respect, suddenly and unexpectedly at the head of Irish affairs. Their elevation has arisen from the unfortunate alienation, which upon the first meeting of the Imperial Parliament arose, and has since continued, between the Sovereign and all public men of distinguished ability. I will only observe, that no greater misfortune can attend persons than to be placed suddenly, at a middle period of life, with notions either erroneously or imperfectly conceived, in situations of great exaltation, but at the same time of great embarrassment, for which their minds have not been previously prepared.

It requires the youth and genius of a Pitt or Bonaparte, on such occasions to succeed; and this attempt to enforce the Irish Convention Act, *contrary to the views of those by whom it was framed, and in violation of the assurances by which it was accompanied*, exhibits a melancholy failure in the present Cabinet.

Had they ever read coolly and dispassionately the History of Ireland, during the last thirty years, not as Partisans but as Statesmen—had they reflected on the state of that country, not as religionists, but as politicians—had they cultivated the science of jurisprudence, not merely as pleaders or draughtsmen in the details of a limited and local system, but upon the broad and comprehensive principles of philosophy and of legislation—whatever compliance or deference they might have shewn to impressions, in quarters where they might consider themselves not merely interested, but possibly bound from a coincidence of opinion, to yield implicit obedience—whatever might be the general system of their administration, as connected with the Catholic Question, and originating from causes sufficiently obvious—at such a period as the present, when those causes might be said altogether to have ceased—when a general spirit of disquietude upon the subject of toleration pervaded England, and *a sentiment of disappointment and of dissatisfaction at the Union was becoming prevalent in Ireland*—when it might be proper to strengthen the arm of Government, and to reserve its power unimpaired for any exigency which might occur—they would never have adopted, precipitately and prematurely, a proceeding calculated only to increase existing discontent, to lessen the respect of Government, and to display, by their own acts, their total impotency. Had they been long familiar with and practised in the art of Government, even if they had apprehended danger from the meeting of a Ca-

tholic Committee (for which imagination I will pledge myself to prove there existed no foundation whatever), they would have reserved their artillery for near approach—they would not have wasted their ammunition in random shots, more injurious to their friends than to their foes—and they would never, by such an injudicious sally as that which they have made, have exposed the weakness of their citadel, and shewn that its defences are absolutely untenable. They would have known, if they had ever learnt how to appreciate and to calculate the power of *public opinion*, that deprived of that support all laws are vain—and that a piece of parchment is always a feeble barrier against its declared will. They would have been sensible that the Convention Act was a statute which, under the circumstances, was incapable of being actually enforced—and in itself as ineffectual for the purposes of real protection against a formidable attack, as the Tower of London; however useful, as the semblance of a fortification, to intimidate the rabble. The present Ministers, however governing by abstract theories, and mistaking temerity for energy, and precipitancy for decision, have by one fatal rash proceeding thought proper to disclose the important secret, hitherto well concealed, that the walls of this fortification are merely of paper—that it is only a tower of cards, which a breath may destroy—at all events, that it can annoy the people of Ireland, only by a discharge of air-guns from its ramparts. Such is the lesson which, in their wisdom, they have given to the Irish nation, and of which it may be fortunate if they be not disposed to avail themselves, under the guidance of factious men, with that quickness by which, as a nation, they are so peculiarly distinguished.

I remain, &c.

HIBERN-ANGLUS.

28th August, 1811,

LETTER V.

REVIEW OF THE FORMER LETTERS, AND A STATEMENT
OF THE PRINCIPLE ON WHICH THE QUESTION IS TO
BE CONSIDERED, AS BETWEEN THE MINISTERS AND
THE CATHOLICS.

SIR,

IN the preceding Letters I have considered the expediency of the measures adopted by the Irish Government, upon the broad grounds of general policy. I shall now proceed to discuss the question as connected with the conduct of the Catholics, and with reference to the circumstances under which Ministers have resorted to a proceeding so violent in itself, and as it appears to me, so contrary in its form to the FUNDAMENTAL PRINCIPLES OF THE BRITISH CONSTITUTION. It may, however, be advisable, in order to facilitate a correct understanding of the discussion in which I thus propose to engage, to pause during a moment, and to review some of the points, which I have already urged, and perhaps have satisfactorily established; but from which, in the preceding Letter, the mind of the reader may possibly have been withdrawn.

Whatever controversy these Letters may have excited, should they have engaged at all the attention of the public, and however disposed many may feel to contest the positions which they contain, I am satisfied that Ministers will not have found an advocate inclined to support the late Proclamation, against the objections which I have

urged in point of FORM, by any attempt at *legal* argumentation. I know that it cannot in this respect be defended; and the charge against Ministers, of departing from a due course of constitutional proceeding, ought never to be abandoned. I am, Sir, of all men, perhaps, the least disposed upon any *trifling* occasion to sound an alarm, or to join in any tumultuous and often senseless cry, excited frequently from factious motives, upon the invasion of public rights; but if in a conjuncture like the present, when Ministers have attempted, *under colour of Royal prerogative*, and of an authority invested in this respect with no lawful jurisdiction, to FORCE UPON THE MAGISTRACY OF A WHOLE KINGDOM, in the oppression of four millions of his Majesty's subjects, a CONSTRUCTION HIGHLY PENAL AND PALPABLY ERRONEOUS OF AN ACT OF PARLIAMENT; and when by an endeavour to deprive the subject of a right expressly secured by the statutes of the realm, they have assumed a power NOT ONLY OF DISPENSING WITH, but OF DEFEATING THE MOST SOLEMN AND SACRED ENACTMENTS OF THE LEGISLATURE—if on such an occasion the people of England allow themselves to be indifferent and supine—if they do not LOUDLY REMONSTRATE—the constitutional liberties of Englishmen will be of short continuance. The slightest *real* encroachment upon the right of the subject, ought always to be noticed—never, except in a case of unavoidable necessity, to be endured, still less protected or approved. It may be truly said, Sir, of this Proclamation, and of the arbitrary jurisdiction which it assumes, SENTENTIA A NOSTRA REPUBLICA ALIENA VIDETUR: and may it not prove in the hands of those to whom the administration of the Government is confided, or, to use the language of the same admirable author, *ubi imperium ad non idoneos et indignos transfertur*—MAGNÆ INITIUM CLADIS.

Independently of the objections that I have advanced against the form of this paper, of which an Hon. Baronet, with whose opinions, however, I have in general the misfortune to disagree, would perhaps predicate that it is "a *thing*," and which I have no hesitation in denominating (as I believe I have already described it), *a novel judgment of a novel tribunal*, I venture to flatter myself, that by juridical and incontrovertible arguments I have proved it to have proceeded upon a MISCONCEPTION OF THE LAW, and that to the assembly proposed to be convened agreeably to the Resolutions set forth in the Proclamation, the provisions of the Convention Act DO NOT APPLY.

The whole question, *as between the Government and the Catholics of Ireland*, appears to me to turn upon this point. As between *these parties*, if the law were in favour of Government, *cedit quæstio*, although I should contend that there would still remain a point to be settled between *Ministers and the British public* respecting this proceeding, upon other grounds.

The expediency and political propriety of the Assembly, or Committee, or Convention (for the name by which it is denominated is immaterial), proposed by the Catholics, will be considered in a subsequent Letter. Whatever may be thought of the prudence manifested by them in their present proceedings (a question solely for their own consideration, and on which, until they choose to consult and to be guided by others, they solely are authorised, as any other body, to determine for themselves), if what they propose be not only NOT PROHIBITED, BUT EXPRESSLY WARRANTED BY LAW, what Minister has a right to interfere with their conduct, still less to prescribe to them the course which they shall pursue? What right especially has that Government, which professes to *stand upon the principle of opposing all further concession to the Catholics of Ireland*, and which has declared its objections to

be applicable to all times and circumstances, and to be in a manner perpetual—what right has SUCH A GOVERNMENT, either through its official acts to command of them obedience to unwarrantable mandates, and to its own extravagant and perverted conceptions of the law, or through the scribes and hirelings of its press, in the language of low abuse and disgusting scurrility, to extort a compliance with its desires, or an abject submission to its own opinions? What, many will ask, are the pretensions of the present Ministers to call upon any class among the Catholics for confidence, or forbearance in the prosecution of their claims? or, in the course of any proceedings which they may think proper to adopt, to abstain from the exercise of any right to which they may be by law entitled? It should seem an excess of political arrogance which could lead a Government, that has placed itself in such a state of alienation with the Catholic body, to dictate to them a dereliction of their lawful privileges and immunities; and what is to be thought of that presumptuous conceit which could in any imagination sustain the delusive idea that the Catholics of Ireland would be disposed to defer to its advice and representations, or that a numerous, opulent, powerful, and insulted body, would submit with patient acquiescence to an intrusive unauthorised interference, in the management of its concerns?

Let the question be put to himself by any British reader, and let it be asked of British feeling and of British spirit, whether if Ministers were to act in the same manner as in Ireland towards any body of Englishmen, commanding them by an illegal form of proclamation to abstain from an undoubted and acknowledged constitutional right, confirmed by the very statute under which it might be sought to check their proceedings, they would not feel at once, by such injudicious and unwarranted opposition, the more determined strenuously to persist in the fullest

extent of the liberty allowed by law, and even to its utmost verge? In what book have Ministers learnt the British constitution, and in what society have they endeavoured to study the character and passions of men?

Mr. Fox, on a well-known and very memorable occasion, analogous in some respects to the present, (on which however, although agreeing in the abstract sentiment which he had delivered, I should have differed as to its application) when a vain attempt was clamorously made to intimidate the intrepid mind, by which that great orator was so conspicuously distinguished, pointedly observed, that “*strong measures required strong words;*” and he boldly repeated the words which he had used. Perhaps strong language has been adopted in these Letters; but I trust I have put the question truly in the point of view in which it ought to be contemplated. I am anxious that the people of Great Britain, for the consideration of whom these Letters are written, should not be abused, but that they should be enabled to form, with that good sense by which they are characterised, an accurate, fair, and impartial opinion upon the controversy which the Government of Ireland, by its own acts, and, I will add, of its own seeking, has so unhappily excited.

We never shall be able to form accurate opinions upon this subject, unless we are careful to establish fixed and certain principles, by which we may securely guide our judgments. As between the Irish Government and the Irish Catholics the question, as raised by the Proclamation, is one not of prudence, nor of policy, nor of mutual concession, but of CONSTITUTIONAL RIGHT, and as such it cannot be compromised. What is in the Catholic? the legal right of acting.—What is in the Government?—the legal right of prevention. The Catholic has the right of doing all that the law permits; the Government has the right of preventing only what the law pro-

hibits; and all jurists agree, that where a Government shall clearly exceed its authority, there accrues to the subject aggrieved a right sacred to liberty, but dreadful to philanthropy, the RIGHT, or as some even have termed the fatal consequence, the DUTY of RESISTANCE! What is the state of things as they actually exist in Ireland? The Government has chosen suddenly to issue its prohibitions, expressed in the most absolute and imperious terms—the Catholics persist in what they hold to be their lawful right, and in opposition to what they conceive to be an USURPATION of AUTHORITY IN THE EXECUTIVE GOVERNMENT—and the PROTESTANT INTEREST of Ireland springs forward with alacrity, in numerous assemblies held throughout the country of proprietors and landholders, to support the Catholics in their resistance, and by the protection of the law to shelter them against any attempt on the part of the executive Government or of its creatures, at illegal violence. What Government can it be possible to continue, which has brought the affairs of Ireland to such a dreadful extremity! How serious is the issue which the present Government of Ireland has thus joined with the majority of Irish population! How awful is the litigation which it has sought itself spontaneously to institute! How tremendous may prove the result of this dire contest, and what important interests it has involved!

Does there exist a lawyer who, upon a due and unbiassed consideration of the Convention Act and of the Proclamation, entertains now even a *doubt* upon the error committed by the Irish Government, in the construction which they have given to the law upon the face of that informal and unfortunate instrument? The most eminent members of the Irish bar, men experienced, disinterested, and dispassionate, consulted, not by Catholics for the purposes of party, but by Protestants for the government of their conduct, have not

hesitated, in formal, solemn, and professional opinions, pointedly to dissent from the legal doctrines advanced by the executive government, and to caution magistrates against a compliance with the requisitions contained in the Proclamation!!! Is it indeed impossible for any juridical mind, upon any received principle of legal construction, to apply to a meeting, convened as appears by the Proclamation itself *solely* for the purpose of *actually* petitioning both Houses of Parliament, the provisions of a statute the *title*, the *preamble*, the *body*, the *enacting part* of which all relate solely, and are confined in express terms to assemblies held under *pretence* of petition, with a clause confirming in the most decided language what the statute itself denominates the *undoubted right* of the subject, that of *actual* petition, on any occasion, for the redress of grievances? Upon such a question there is little difficulty in anticipating, notwithstanding any hasty act of commitment by a Chief Justice, what must eventually prove the decision of a CONSTITUTIONAL TRIBUNAL upon a TRIAL AT BAR, and at the same time the signal defeat and indelible disgrace of Administration *. The victory will be with the subject, but dearly will it be bought—with the loss of honour in the Government, and the diminution of its re-

* The writer of this letter was not mistaken in this expectation. The Chief Justice having granted a warrant, (*so the language of which, however, the Crown did not think it proper, in preparing the indictment, to adhere*) having declined hearing counsel upon the question of commitment under that warrant—having thus expressed by this act, previously to the late trial, such a decided predetermination—the Catholic delegates have brought actions in *other* courts, where *they* intend to try the point of law. A *civil* proceeding allows the means of appeal to a superior tribunal; and it may be said that even the opinions delivered by the other Judges of the King's Bench are by those actions brought *virtually* under an appeal; as the question, as to the validity of the warrant, and as to the legality of the acts charged against the delegates, is the same.

spect in the eyes of the people which, as I shall endeavour to prove in my next Letter, has been wantonly and unnecessarily exposed, through the infatuation of those by whom it ought to have been, upon every principle of sound policy, most sedulously maintained.

I remain, &c.

HIBERN-ANGLUS.

Sept. 1, 1811.

In addition to other opinions the following has been published as one of Sir A. Piggot.

CASE.—Do you conceive it illegal under the Convention Act to assemble and appoint delegates *bona fide*, to prepare a petition to the King or to Parliament, or publish notices of such elections, or to act *bona fide*, in the character of delegates for such purposes, and such purposes only? Or do you consider the provisions of the act as levelled only against assemblies assembled under the pretence of petitioning, but really and in fact having other objects in contemplation, or what kind of delegated assemblies are rendered illegal by the said act?

OPINION.—Framed as the Convention Act is, I am not much surprised that difficulties should arise, and differences of opinion should prevail as to the construction of it: *but after the most deliberate consideration* which I have been able to give to the act, I do not conceive it to be illegal to assemble and appoint delegates *bona fide*, to prepare, &c. (in the words of the Case) and I consider the provisions of the act to be directed against persons assembled in meetings, but for the prosecution or accomplishment of some other purpose or object, under the *pretence* of petitioning.

If a criminal indictment or information should be preferred or exhibited against the five, or any of the five Gentlemen who were arrested, I conceive that in order to maintain and procure a conviction on such indictment or information, it will be necessary to shew that the delegates were elected, or did not meet, for the sole and actual purpose of preparing a petition or petitions, but under the *pretence* of doing so for some other purpose, AND THIS WHICH CONSTITUTES THE OFFENCE ought to be shown by SATISFACTORY EVIDENCE.

QUERY.—Is there any thing in the common law or the statute law, independent of the act in question, by which it is criminal to elect delegates to do acts which may be lawfully done by the persons electing such delegates, or by which the otherwise innocent acts of such delegates would become criminal by being performed in the delegated character?

ANSWER.—I am not apprised of any such thing in the common or statute law.

LETTER VI.

OPINIONS OF THE AUTHOR UPON FORMER PROCEEDINGS OF THE CATHOLICS.

SIR,

By some of your readers I possibly may be thought in the preceding strictures to have been too severe; by others, perhaps, I shall be considered in the sequel as deficient in spirit, and even hitherto too gentle in my reprobation of the Irish Government.

Sunt quibus in satyra videar nimis acer et ultra
Legem tendere opus; sine nervis altera quicquid
Composui pars esse putat.

With the former class, I must urge in my defence the manifest illegality of the proceeding, by which these Letters have been occasioned—the provocation which it has given to a numerous and respectable class of his Majesty's subjects—its tendency to disturb the peace of Ireland—and all the mischievous effects which must ensue, if the conduct of Ministers should pass without animadversion on the part of the British nation. When Ministers have shewn themselves capable of resorting to *such* expedients in order to deprive the subject of a constitutional right, to prevent the exercise of a lawful privilege, and to drown the voice of Ireland in her representations to the Imperial Parliament—when the acts of men in power tend thus to rend asunder and disunite the Empire, in a moment when its utmost energies are required in one common cause of common preservation—it is not easy to abstain from the expression of strong indignation. *Hic mi-*

hi quisquam misericordiam nominet? Under such circumstances to be mild in reprehension, is impossible; to be lenient would be almost criminal.

If the feelings of Ministers and their friends be hurt at any language of asperity which may have escaped my pen, should indeed these Letters have attracted in any respect their notice, let them reflect on those of the many noble and honourable gentlemen, whom in a formal official instrument they have aspersed and stigmatised, not only throughout the Empire, but throughout Europe, as persons disaffected and disloyal; an assembly of whom, convened for the lawful purposes of petitioning Parliament they have ventured to denounce as necessarily in itself ENDANGERING THE PEACE AND TRANQUILLITY OF THE STATE! The conduct, indeed, of the PROTESTANT NOBILITY AND GENTRY OF IRELAND on this occasion, has been sufficient to shew both to Ministers and to the British nation how unfounded is such an allegation—how narrowly confined the knowledge of Government respecting the real state of their country, and how incapable are the present Administration of directing its affairs. The fact, however, that such injurious representations have been conveyed by Ministers through their late Proclamation will not be disputed; and the right of vindication and retort, on the behalf of the persons thus seriously aggrieved, cannot in fairness be denied. As far, therefore, as the personal feelings of Ministers may be concerned, I shall only remark in the language of an author, whose celebrity will endure so long as literature and liberty shall in England continue to be esteemed, “IF THEIR BED BE A BED OF TORTURE, THEY HAVE MADE IT FOR THEMSELVES.”

To the second class of your readers it will be sufficient for me to observe, that the object of these Letters has not been to promote the views of faction, if any exist

connected with this question—to gratify any spirit of personal resentment—or to court favour with individuals or any body of men. I have sought only to defend the constitutional liberty of the subject against what has appeared to me an unjustifiable aggression on the part of Ministers, to rescue the majority of the Irish nation from misrepresentation and oppression, and to promote the salvation of the Empire from the fatal consequences which, and it will plainly be foreseen, must inevitably result, from the continuance in office of an Administration that has thus abused, and has lost for ever all claim to confidence and respect from the PEOPLE OF IRELAND.

With these observations I might terminate this series of Letters. I am induced, however, to continue them, having pledged myself to prove, that there existed no necessity for the conduct adopted by the Irish Government on this occasion; and because many of your readers may wish that this particular question should be duly and minutely investigated. Having adverted also to the opinions which I hold respecting the conduct on former occasions of the Irish Catholics, I am anxious to evince the sincerity which I professed in my first Letter upon this subject.

I have, therefore, no difficulty in stating, that no one has been more prone than the individual by whom you are addressed, to blame on many occasions the proceedings of former aggregate Meetings, as they are called, of the Catholics, and even of former Catholic Committees—to censure the language frequently used by individuals in the course of their deliberation—and to lament the injury which they have sometimes done to their best interests. They have not known how to ascertain, possibly from a high although mistaken sense of pride they have not sufficiently cared to appreciate, upon what

they regard as an IRISH not an ENGLISH question, the temper and feelings of the people of England; by the inclination of whom, however, from their consequence in the scale, and preponderance in the return of Members to Parliament, an administration of whomsoever composed will generally be induced, and frequently compelled to regulate its proceedings. They have been disposed to raise questions and points of *etiquette*, if I may so express myself, unnecessarily, and with prejudice to the reception of their claims on this side of the channel. Their conduct towards many of their best friends I do not approve, especially towards Lord Grenville, a nobleman whom I believe to be animated with the most sincere desire of relieving the Catholics from their incapacities, and whom, upon the occasion to which I have alluded, I know to have been instigated only by the most honourable motives, and by a wish materially to assist those, from whom I do not think that his Lordship has experienced a suitable return. The system also, on which they have been accustomed to proceed, has often appeared to me objectionable in itself, and calculated to defeat instead of promoting the success of their claims; since their resolutions and instructions have frequently precluded the possibility of treating upon many occasions with Government, and have created, perhaps, impediments to a satisfactory arrangement, which possibly to a certain extent might otherwise have been already accomplished.

I will further admit, that a representative system in Ireland is not altogether desirable, and except when necessary, it should not perhaps be encouraged.—As a Minister I should not have been inclined *heretofore* to have acknowledged by any formal act the existence of a Catholic Committee; nor would I have treated with their

delegates but as individuals *. To my mind it has always appeared desirable, that the relief of the Irish Catholics from the remaining disabilities, which although few *concern the whole community, and are of general not partial interest* (as what is passing in Ireland sufficiently demonstrates), should proceed spontaneously on the part of Government, independently of any petitions on their part, but in co-operation with those individuals among the Catholic Body distinguished by their rank and attainments, as persons rendering Government assistance in a matter arduous and delicate, not as AMBASSADORS or PLENIPOTENTIARIES, dictating the terms or settling the conditions of a TREATY.

As to the applications made heretofore by the Catholics to the Legislature, on many occasions it has not appeared to me advisable in them to have renewed, *under the peculiar circumstances of the question*, repeated petitions. I am aware that many of the most loyal Catholics have encouraged such applications from the purest motives, and with a view to keep many from despondence, others perhaps, from more violent proceedings; and I am persuaded that no person, truly acquainted with the state and temper of Ireland since the Union, will impute to these very honourable personages as a fault, still less as an indecorous and improper proceeding, the encouragement given by them to the course of petitioning the Legislature. But upon the policy of such renewed petitions, considered with reference to the state of things in England, I have entertained considerable doubts. I am not certain that *repeated discussion*, although successful *in point of*

* I would have endeavoured to maintain an ascendancy in the Catholic nobility, such as existed previously to 1791. The relief granted should have appeared to have proceeded liberally from Government. The present Ministers have created the necessity of a Committee by their own acts, as will appear in subsequent Letters.

argument, has always *in effect* promoted their cause; since pressed at a time when relief through any legislative proceeding was for reasons sufficiently notorious impracticable, and when there prevailed an eager competition for favour in a quarter where objections prevailed strong and insurmountable, many serious inconveniences have ensued. It has created a spirit of party hostile to their claims—it has indisposed a considerable portion of the people of England—it prepared them for the cry which was so successfully raised against the late Administration—and whilst it strengthened their decided foes, it pledged many persons to an opposition, contrary in some to the avowed convictions of their own minds, in others to the inclination of their concealed wishes; and in most without any consideration, feeling, or opinion upon the subject; who would have supported, under other circumstances, with the same alacrity what they have hitherto opposed, following merely the impulse of a courtly tide—

Like little wanton boys
That swim on bladders.

These, Sir, have been—these continue to be my sentiments, retrospectively, upon the conduct of the Catholics—and I have not hesitated candidly to avow them. The advocates of the present Ministers are at liberty to avail themselves of any arguments which they may think such concessions afford; but let them be cautious how they attempt to turn the weapons against the hand, by which they are thus offered.

Whatever may be my own impressions, or whatever confidence or forbearance an Administration formed upon principles friendly to the Catholics of Ireland, might heretofore have been entitled to have expected from that body; on the other hand, an Administration which avows itself hostile to all further concession in their favour—

which regrets the length to which concession has already proceeded—and which, although it does not yet venture to tread back the steps of its predecessors, seems only to desire an opportunity to gratify in that respect its secret but ill concealed inclination—such an Administration, upon the principles which I endeavoured to establish in the preceding Letter, has no right to interfere with the mode, in which the Catholics may think proper to conduct their affairs, provided they do not exceed the bounds prescribed by law—and fortunately for the liberty of the subject the Constitution has not left the determination of those bounds to the caprice, prejudices, or resentment of any MINISTER, but to the decision of known and established TRIBUNALS.

If a Minister shall have the imprudence to designate in effect, and sometimes almost in express terms, the Catholics of Ireland, forming the great body of Irish population, as rebels in their hearts, however loyal in their professions; persons hostile upon principle to the established Constitution, and only disguising their views more effectually to accomplish its destruction—if he shall not only select, cherish, and abet individuals, but reward and exalt them in proportion as they shall manifest a disposition to revile the majority of the Irish nation and to outrage their feelings—if he shall declare to three-fourths of the people of Ireland, that they and their posterity must be forever debarred the possibility of attaining any exalted situation in the state, or from enjoying the full recompense of honourable and industrious exertion—and if with the view of securing their *attachment to the Union and to a connection with Great Britain*, he shall proclaim to them that their exclusion from all considerable advancement, is an **IRREVOCABLE AND FUNDAMENTAL LAW OF THE STATE**, he has no right to be surprised if he finds a class of persons thus calumniated and proscrib-

ed not disposed to adopt his advice, to consult his ease, or to promote his continuance in office. He cannot justly complain if they indulge a spirit of acrimony, excited solely by the rashness of his OWN DEPARTMENT, and the country owes not to such Ministers any obligation, if the Catholic population of Ireland, more enlightened than those by whom they are opposed, still continue to respect and venerate, what it is thus sought to vilify and pervert, the COMPREHENSIVE AND SUBLIME PRINCIPLES OF THE BRITISH CONSTITUTION.

I remain, &c.

HIBERN-ANGLUS.

Sept. 12, 1811.

LETTER VII.

ON THE GROUNDS OF DEFENCE ON BEHALF OF
MINISTERS.

SIR,

I SHALL now proceed to examine, what many may be disposed to consider the most important point of the controversy, whether there existed any necessity on the part of the Irish Government for adopting the measures to which it has resorted?

In objecting to the conduct of Ministers on this occasion, I might call upon their advocates, according to the received rules of argument, to establish on their side a *prima facie* case of necessity for the late Proclamation. I might require it to be conceded to me, that the lawfulness of the Assembly, proposed to be convened by the Catholics of Ireland, is to be determined solely by the nature and effect of the Resolutions recited in that instrument, on which alone, and not upon any extrinsic matter or information, the Proclamation itself professes to proceed; and as concerning the parties to those Resolutions, I might contend that they are to be judged solely by their conduct at the time when they were passed, and not by their proceedings at any period antecedent. I might also be thought authorised to protest against any inference to be drawn from the proceedings of former Committees;

and I am sufficiently acquainted with the rules of legal evidence to know, that no Judge, upon the trial of any indictment, would allow any such former proceedings to be adverted to or proved by the Counsel on the part of the Crown, as connected with the matter in issue *. I disdain, however, all these advantages, and am willing to meet the question upon the broadest grounds. I have only to regret my ignorance of the positions taken by Ministers, and of the manner in which they have thought proper to rest their defence, or to express myself perhaps more accurately, to justify their late indiscriminate and injudicious attack upon the liberties of the Irish Catholics.

Do they rely solely upon what they conceive to be the law of the case, considered with reference to the provisions of the Convention Act, or upon the conduct of the Catholics? Is the question which they have raised one which simply regards the construction of an Act of Parliament, a question purely legal, or is it a question of fact regarding the motives by which the parties to the Resolutions recited in the Proclamation have been actuated? Do they propose to argue, that the proviso in the Convention Act (excepting from the body of the Statute the rights incidental to *actual* petition) is to be wholly disregarded; and that the mere meeting upon principles of delegation, although solely in the intention of petitioning Parliament *bona fide*, is within that Act; and that the words, “*under pretence*” are to be read “*for the purpose*” of petitioning? Do they mean to contend for this conversion of language, and of ideas, in a juridical exposition of a Penal Statute? or do they conceive themselves in a situation to prove, that the presentment of a peti-

* The only ground on which they could be adduced would be, that a conspiracy had been formed on a former occasion, and that the assembly was proposed in furtherance of that conspiracy. The Resolution, however, is of an aggregate meeting, not of a Committee.

tion on the part of the Catholics is a mere colour or pretext for assembling a meeting, in fact convened for ulterior and illegal purposes?

In common with all the Magistrates of Ireland, I am compelled to put these questions; they for information, in order to enable them thus to discharge the duties of their station, and myself, in order to ascertain the grounds on which I am to defend, at the same time, the Irish Magistracy and the great majority of the Irish Nation. All have disregarded, disobeyed, and protested against the Proclamation of the Irish Government.

From that Proclamation, or Indictment, to which I have already compared this instrument in a former Letter, I am at a loss what to infer. When I first read that paper I was struck with its obscurity, with its deficiency in legal precision, and with its incongruity in itself. I was then at a loss, and I am still embarrassed, to conceive the grounds on which it could have proceeded, even in the minds of those by whom it has been prepared. It is true that it charges the Resolutions of the Catholics to be a *direct* violation of the Convention Act. The imperfection, however, of my own understanding prevents my ability to distinguish, in any case, between violations of law as direct or incidental. Such a distinction I never met with, in any treatise which I may have read upon public or local jurisprudence. I can predicate of an Act, with reference to its legal effect, only that it is lawful or unlawful: and as to the right of interference on the part of the Executive Government, I conceive it to be confined, except in a case of extreme and unforeseen emergency, only to the suppression of what is absolutely and manifestly unlawful. If a statute be so expressed as not to extend to a particular case, the law may be defective, and an alteration advisable; but the Executive Government cannot proceed upon such a statute. If it attempt to sup-

press the supposed mischief, it cannot found its operations *specially* upon that law, which does not prescribe or afford a remedy, still less upon a law, which almost in express terms allows the proceeding thought to be objectionable.

When I reflect, however, upon the verbosity of the Proclamation which recites so minutely in many respects the provisions of the Convention Act, and upon the charge which it contains against the Resolutions of the Catholics as amounting to a direct violation of that statute, I am induced to suppose that it was dictated principally by an opinion that those Resolutions, *considered in themselves*, amounted to a breach of the Act; that the *mode of proceeding* adopted by the parties to those Resolutions constituted an offence, independently of any evil or good intention; and that the apprehensions of “*direct*” danger to the peace and tranquillity of the State are introduced, merely to give a certain brilliancy or colouring to the general effect of the performance—as a rhetorical flourish, or as words of course; in the same manner as other indictments of a less solemn nature usually conclude *contra pacem Domini Regis*, against the peace of our Lord the King, his Crown, and Dignity.

In this view of the case, I should be relieved, after what I have already written and the general impression of the public mind, from all further trouble in endeavouring to elucidate the controversy; and to many of your readers it would be easy at once to account for the mystery, which has accompanied the whole of this proceeding. They would say, that Ministers being obviously interested in preventing a Catholic Petition from being presented to the Legislature, *at a moment* when many difficulties which had weighed with several hitherto opposed to any extension of concession had ceased; and *in a manner* by which, THROUGH THE CONSTITUTION OF A

PUBLIC ORGAN, CAPABLE OF EXPRESSING AND OF ACTING, ACCORDING TO THE GENERAL SENTIMENT PREVALENT AMONG THE BODY OF THE CATHOLICS, A SATISFACTORY ADJUSTMENT UNDER ANOTHER ADMINISTRATION MIGHT MORE EASILY BE ACCOMPLISHED; they had racked their imaginations to devise the means of impeding such an arrangement. Habituated more to professional pursuits than to the conduct of State Affairs, they had recourse to the Statute Book; and finding there, unexpectedly, the Convention Act, flushed with the discovery of a Statute not extant in the British Code, they had allowed party zeal to influence their legal discernment, and had voted at once this Act to be a bar to any meeting of the Catholics, in which the collective sense of that body might be concentrated in the Managers of a petition to Parliament, involving matters universally thought to be of very complicated and difficult arrangement.

It has been a frequent observation among professional persons, that the united subscriptions of many lawyers to an opinion are often calculated to induce error; and Gentlemen will sometimes, in consultations, concur with others in acceding to opinions, which singly they would not be inclined to sign without more mature reflection. If there be any truth in this observation, there appears to have been a list of lawyers consulted upon this proceeding. Independently of learned Chancellors, we find the learned First Lord of the Treasury, the learned Secretary of the Home Department, the learned Attorney and Solicitor-General of England (so say the Ministerial Prints, although, for my part, I doubt the fact), the learned Attorney and Solicitor-General of Ireland, the learned Under-Secretary of that kingdom, and not only the learned but the Right Honourable Dr. Patrick Duigenan, all interested in finding out a law for a particular purpose; all eager to flatter their minds into a con-

struction favourable to their wishes; all anxious to secure their offices and the ascendancy of their party; and can it be surprising that they should, under such circumstances, have fallen into a serious mistake, or that in a cause which is in a certain sense their own, they should have committed their understandings, upon other points and in other cases shrewd, acute, and intelligent?

I really believe, Sir, that Ministers themselves, upon more cool reflection are disposed to abandon the Proclamation, as untenable, and would willingly retreat, or compromise with the Catholics. To act upon the Proclamation, except in one or two instances shortly subsequent to its appearance, they have not ventured; and the Protestant Magistracy of Ireland would not have supported them in the attempt *. The Ministerial prints, as far as I have been able to peruse them, have therefore sought to excuse their want of energy; and accordingly, on some occasions, we are told that the language of the Catholics is become more moderate, whilst other advocates of the Ministers endeavour to catch at expressions in some of their resolutions, authorising the gentlemen appointed to "confer and consult" with the general Committee; and they affect an air of surprise and triumph at not finding express mention of DELEGATES and of a CONVENTION.

The conduct, however, of the Catholics, I will venture to affirm, will be found, upon due examination of their proceedings since the appearance of the Proclamation, to have been firm, manly, and consistent. Whilst they have betrayed themselves by no pitiful acts of petu-

* Upon the day when the first Letter appeared in the Morning Chronicle, in which it was stated that the Government seemed timidly to execute the Proclamation, the Sun declared that Hiberna-Anglus was miserably misinformed!!!

lance, or shewn no spirit of little paltry revenge—whilst they have abstained from all acts of violence, and borne with temper both the insults of the Castle, and the taunts of its hired scribes—they have changed in no respect their ground: they have abandoned no position, and they have persevered steadily in their course with dignity and composure, not allowing themselves to be diverted or deterred from the exercise of their constitutional rights, by the terrors of a Secretary or of a Proclamation, which they conceive to be illegal. They will also proceed, Sir, as they have begun; although they will not allow those who have no authority to claim any right of interference with their concerns, whilst they do not transgress the law, to dictate to them the course which they should pursue in the arrangement of their affairs.

In a former Letter, when alluding to the history of the Convention Act, I adverted to the anxiety evinced by the leading Catholics of Ireland to maintain respect, amongst the general body of their persuasion, for the provisions of that statute; and in this instance they had manifested a prudence, which Ministers would have done well to have imitated. The leading Catholics well knew the history of that Act, *better indeed than his Majesty's present Ministers*, and its provisions also were known to the numerous members, among the Catholics, of the Irish bar, many of them gentlemen of high family, heirs to immense estates, of eminent talents, and extensive practice *. Compelled by circumstances, which I shall no-

* Mr. O'Connell is a gentleman of distinguished birth and is great business; he is heir to a very large estate and makes considerably at the bar. Mr. Scully is the eldest son of a gentleman who is supposed to have realized property considerably above L.16000 per annum. The number of the Catholic barristers exceeds sixty, and in the course of a few years the majority of Irish advocates will be persons professing the Roman Catholic religion, excluded from all advancement, even from a silk gown; and although by law they are capable of being appointed Commissioners

tice in a subsequent Letter, to consult the wishes of the whole body of their persuasion, they had addressed themselves to the mass of Irish population in language well calculated to conceal the innate weakness of the Convention Act, and to maintain the provisions of that statute in respect with the people. The discussions excited in Ireland by the Proclamation have shewn the inadequacy of that Act for any practical purpose, and every juridical, dispassionate and disinterested mind is now convinced, that when the purpose of an assembly is solely that of actual petition to Parliament for the redress of grievances,

of Bankrupts, not one Irish Catholic has been included in any list by any Chancellor!!!

I wish to embrace this opportunity of rectifying an impression which I have found produced on the minds of many respectable persons by an argument, or rather an attempt at argumentation, endeavoured to be aduced from the circumstance, that the offices from which Catholics in Ireland are excluded, are few in point of number. They are offices, however, connected with patronage, and whilst withheld from the Catholics, they have not the means of obtaining those situations, which they are entitled *expressly* by law to hold. The Catholics of Ireland are convinced, from the *exclusive spirit* which has been manifested by the executive government since the abrogation of the penal code, that they have no security for the enjoyment even of the advantages which they are told they have obtained, but in a total change of system.

The present Ministers, since their accession to office, have studied only how they might mortify the pride, and irritate the feelings of the Catholics. Instead of seeking the means of interpreting, in favour of that body, those laws which remain unrepealed they have sought to *deprive* the Catholics of the benefit, which the Legislature annually confers on them by the Indemnity Act. They have not *yet* dared to propose to Parliament that the Catholics shall be *excepted* out of that Statute, by express proviso; but they have taken the most *effectual* means to accomplish their object, by appointing no person of that persuasion to any civil office. They will avail themselves of the Indemnity Act only to obtain the *blood* of a Catholic gentleman on the field of battle, not to confer upon him any civil employment. In this they will rigidly adhere to a rigour even *beyond* the law, which not only clearly allows the original appointment of a Catholic, but consents annually to his continuance in office, if appointed.

it is lawful to appoint delegates *eo nomine*, and to meet even in a convention for that purpose. Had the Catholics, merely in consequence of this point having now become generally established in professional minds and in the public opinion of Ireland, changed their tone and adopted stronger modes of expression, they would have supplied their adversaries with weapons, which they might have turned to their annoyance. They have been too prudent and too wise; they have been too proud also to enter into a contest of words with quibbling underlings of office. No, Sir, they have contented themselves with declaring their protest against the legal doctrines advanced in the Proclamation—with asserting what the statute itself denominates the undoubted right of the subject—with commissioning persons to act on their behalf for the purpose of preparing petitions, of “co-operating,” of “conferring,” of “consulting” with, and in some cases of forming an “integral part” of the General Committee, whose conduct they have universally approved and honoured with their thanks. The expressions have varied according to the circumstances of each county; and it is notorious that many have been in the habits of presenting separate petitions, conjointly with the general petitions usually prepared in Dublin, and they may be disposed in this respect to continue their accustomed course. Such, Sir, has been the conduct of the Catholics on this trying occasion—such the general tenor of their resolutions—and by such resolutions, whilst they have best consulted their own dignity, they have at the same time exposed most effectually the erroneous conceptions entertained by the Crown Lawyers of the Convention Act, and the folly of the conduct pursued by Ministers. I remain, &c.

HIBERN-ANGLUS.

Sept. 22, 1811.

LETTER VIII.

THE SAME SUBJECT CONTINUED.

SIR,

As far as it is possible for me to anticipate the grounds on which Ministers will endeavour to justify their conduct, I apprehend that they will attempt to make up a defence, partly upon matter of law, partly upon allegations of supposed fact. They will abandon the construction of the Convention Act, for which they contended, or rather which by an undue assumption of judicial authority they sought to force upon the magistracy of Ireland, in their Proclamation; and they will no longer maintain, that the resolutions recited in that instrument, abstractedly considered, amount in themselves to a violation of that statute. They will relinquish the grounds on which they first commenced active proceedings, and I should not be surprised, if, in the end, they should plant their artillery against their own troops, and blow up at once their own entrenchments. They declared war upon the Catholics of Ireland on a sudden, without plan or preparation, and they have not known how to conduct their subsequent operations, but have allowed themselves to be surprised and surrounded; they have even exposed

themselves to the certainty, in a court of law, of ultimate defeat. If justified in their declaration of hostility, why, it will be asked, have they not pushed on, and by vigorous exertions crushed at once the endeavours of the foe to take the field? They have suffered, however, the Catholics to meet in defiance of their manifesto—to choose representatives—and to support those resolutions, which they had ventured to denounce as a criminal offence. How will they now prevent the meeting of the proposed assembly? Do they conceive that those who have protected the meetings hitherto holden, will not also support an assembly, for the constitution of which those meetings have been called, under their own auspices? Will the civil authorities allow the introduction of a military force to suppress what they conceive to be a lawful assembly? And although the Irish Government should strike out of a commission Justices of the Peace for not paying an obsequious deference to arbitrary mandates and to an assumption wholly unconstitutional of judicial authority, can they also remove SHERIFFS from their offices, and prevent a summons of a POSSE COMITATUS to protect the subject in the exercise of what is considered and pronounced by the universal voice of Ireland to be not only lawful, but an unalienable right? IT IS BEYOND THEIR POWER, AND BEYOND POSSIBILITY.

The conceptions, Sir, of Ministers upon this subject have been from the first imperfect—their conduct has been since inconsistent—and their vindication consequently now becomes confused and unintelligible. They would convert their prejudices into arguments—their imaginations into facts—their wishes into law. They have misled their own minds, and would lead the British public to adopt the errors of their own conceit, and of their wilful self-deception. Of a meeting not hitherto assembled, the members and temper of which it was impossible

before hand to ascertain, but a meeting convened SOLELY, EXPRESSLY, and DISTINCTLY for a DECLARED and LIMITED and LAWFUL purpose, with the ASSENT, APPROBATION, and SUPPORT also of those whom the Irish Government itself has affected to respect—of a meeting without power or authority, or means of acting but for the management of a Catholic Petition to Parliament (*and in co-operation with Parliament itself, should it agree to refer their Petition to a Committee in both Houses, and such Committees should propose plans of arrangement, in the progress of which it would obviously be necessary to ascertain from time to time the sentiments of the Catholic Body*), of such a meeting, convened at a moment when hopes might reasonably be entertained by the Catholics, that in consequence of circumstances sufficiently obvious their claims might procure more favourable attention from the Legislature; and when legislative proceedings in their favour were become a matter of practical consideration, and not of remote contemplation—at such a moment, and of such a meeting, the present Ministers prejudging not only the Catholics, but PRESUMING TO ANTICIPATE THE DETERMINATION OF THE LEGISLATURE ITSELF, as if it were a body moving solely at THEIR COMMAND, the obedient slave of their narrow prejudices, and as if THEIR OWN ADMINISTRATION WERE PERPETUAL, have ventured to affirm, in a public official document, that it MUST NECESSARILY AND “DIRECTLY” ENDANGER THE TRANQUILLITY OF THE STATE *!!!

Can the history of the British Government afford a parallel instance of arrogance, folly, and presumption? Was ever a country thus abused, calumniated, and publicly branded? They claim it to be granted of course and as a

* I must request the reader to bear in mind that the language of Ministers has, from the beginning, implied a *treasonable inclination* on the part of the Catholics, in forming the proposed Committee.

postulate, that the whole body of the Catholic Nobility of Ireland, the whole body of the Catholic Clergy, all Catholic Baronets, all Catholic Country Gentlemen, all Catholic Barristers, the whole Catholic Mercantile Interests of Ireland, the whole body of Irish Landholders and Capitalists professing the Roman Catholic Religion, notwithstanding their uniform declarations, professions, and solemn oaths of allegiance; NOTWITHSTANDING ALSO THEIR DEEP STAKE IN THE PEACE AND PROSPERITY OF THEIR COUNTRY, are all leagued in a conspiracy to subvert the established Constitution, to dethrone the Sovereign, and to OVERAWE and SUPERSEDE the IMPERIAL UNITED PARLIAMENT? They not only claim this as a postulate, they hold it to be an axiom; they argue from it as a proposition self-evident—and upon a foundation thus assumed, not only without evidence, but contrary to all rules of presumption, and in opposition to notorious facts, they assert that they are justified in all that they have done, and they will claim perhaps the merit of lenity and forbearance, for not having proclaimed military law, or declared the whole population of Ireland, Protestant as well as Catholic, out of the King's peace, and the Country in a state of ACTUAL REBELLION!!!

Have I, Sir, exaggerated any thing in the preceding paragraph? Is it possible to read the Proclamation and not to be satisfied, that if it has not proceeded from the party motive assigned in my last Letter, it has sprung solely from the wildness of a disordered imagination, in which, however, I am convinced that the candour and good sense of the British public will never go along with the present Administration.

If any thing were wanting to confirm us in this view of the extravagance in which Ministers are inclined to indulge the rancour of prejudice, it would be supplied by the letters of the only advocate, who has ventured to step

forward in justification of their measures. I allude, Sir, to certain letters which have appeared in *The Morning Post*, under the signature of MARCUS, especially to the Seventh. I have had an opportunity of perusing the collection only cursorily, and since the commencement of this Letter, but they have corroborated all that I have advanced in the first sentence of the present epistle. I consider, Sir, the Letters of Marcus in the nature of an official vindication of the Irish Government. They have appeared in a leading Ministerial print, of which (in consequence of a passage contained in a former Letter, and written previously to any opportunity of reviewing its files) I think myself bound in candour to declare that it has not omitted to afford its readers full and accurate information of what is passing in Ireland*; they are composed obviously by no ordinary writer, and they seem to proceed from a person who either enjoys, or affects to possess, the confidence of Ministers. They may possibly have been written by one in a situation of no *ordinary* exaltation, at the same time from the mode in which they are published, they are liable to the same freedom of observation which must attach upon the productions of the person by whom you are yourself addressed, or upon those of any other anonymous author who, like myself and Marcus, may chuse to engage in what may fairly be denominated a literary masquerade. We have no right to be personally offend-

* This is due in justice to the *Morning Post*. Its articles of Irish *intelligence* have been full and impartial, I wish I could say as much regarding its *commentaries*. To charge upon Ministers any solitary and foolish observation which may appear in a *Treasury Journal* would be unfair; but they must be responsible for the invariable tenor of newspapers notoriously under their influence. I had proposed to have inserted in an Appendix to these Letters, all that has been written on this subject by the Newspapers in the interest of Ministers, satisfied that such a publication would, in itself, *expose most effectually* the conduct of Administration, and their incapacity to direct the affairs of Ireland.

ed at what may be said of our compositions, and we have in our hands the means of vindication and retort.

With this preliminary observation, I shall take the liberty of making a few remarks upon these Letters. The language of them is strong, nervous, and admirable; but I regret that I can ascribe to them ingenuity, only in an affectation of candour which, perhaps, never was assumed with more subtle address, in order to conceal an insidious attempt to entrap the public mind by the means of a most plausible deception. In argument they are deficient; in statement neither full nor explicit, sometimes even not altogether correct; documents are quoted partially and strained beyond the fair import. I could have wished to have seen in the style more of the advocate labouring to support a side, than of the Judge, professing to be impartial and deviating from his professions. Throughout these Letters it must occur to any attentive reader that the author has perpetually shifted his ground from law to fact, and from fact to law. He makes his stand upon no fixed point, and there prevails such an uncertainty in his positions that it is difficult, indeed almost impossible, to join issue, or to engage with him in close combat. At the outset, he wishes the public implicitly to adopt the construction given by Government to the Convention Act in the Proclamation, *upon credit*; but he ventures not to support it by any attempt at *legal argument*: and aware that upon that point Government have been closely pressed, he tries to evade pursuit, and seeks a retreat under the special facts and circumstances of what he considers a novel case. Concealed during a time, he steals, if I may so express myself without offence, from this lurking place, and reverts again to the construction of law, which he had in a manner previously abandoned, but to which, in order to support the weakness of the case which he had sought

to make out upon the facts and circumstances *rebus et actis*, he endeavours to give the same force and effect as to the settled decision of a regular tribunal. Fearing, however, again to be attacked, he appears inclined to give up altogether the Convention Act, and indeed the whole system of established law. With the courage of a person desperate and driven to the last resource (and yet with a cautious qualification, more in expression than in substance,) he charges the Catholics, in direct terms, with an attempt and intention to subvert the Constitution. He would even represent what he considers "the Constitution," as paramount to the law; and he plainly intimates to the Duke of Richmond, that his Grace might exercise, under the circumstances, a vigour beyond its authority. He *assumes* that the Meeting proposed by the Catholics must *necessarily* endanger the Constitution; and although he does not think it necessary to resort to such a principle, in consequence of his opinion upon the existing law, he is disposed to contend, that "whatever endangers the Constitution ought to be "put down, *in the dormancy of the Legislative power*, "even by UNLAWFUL MEANS." It is impossible to read these Letters, and not to be convinced that they are a prelude (and as such, after the passage which I have quoted, I boldly denounce them), to prepare the public mind of Great Britain to acquiesce, upon the Meeting of Parliament, IN NEW ENACTMENTS OF PENAL LEGISLATION AGAINST THE CATHOLICS OF IRELAND.

Such is the tenor of the Ministerial defence; and having at length ascertained its nature, I shall endeavour to expose its fallacy.

I remain, &c.

HIBERN-ANGLUS.

Sept. 23, 1811.

LETTER IX.

ON THE ARGUMENT OF MINISTERS AS ADVANCED IN
THE LETTERS OF MARCUS.

SIR,

THE ARGUMENT OF MINISTERS (*for such I deem the Letters of Marcus, in consequence of the channel through which they have been communicated to the public, and from the LOFTY TONE OF OFFICIAL AUTHORITY in which they are expressed*) turns solely upon the resolution of the Irish Catholics to enlarge, as they have proposed, the numbers of their Committee. The resolution under which that Committee has been appointed and enlarged, is set forth in the Proclamation—it must now have become familiar to your readers—and they will recollect, that the object, powers and authority of the proposed assembly are in that resolution clearly defined, and limited to the legitimate object of petitioning the Legislature. So explicit, indeed, is the language of the resolution upon this point, that throughout the whole course of their ARGUMENT, Ministers have not attempted to except against, or even to quibble with a single expression. The object, therefore, for which this assembly is convened, being, as far as can be collected from the wording of the resolution, and upon the face of it, free of all objection, they have argued, if reasoning it can be called, from that

part of the resolutions, which proposes that the number of its members shall be about equal to that of a former assembly actually holden for a similar and lawful purpose, but exceeding the number of recent Committees; to the proceedings of which they object, and which they aver not to have been satisfactory even to many and distinguished personages among the Catholics themselves. From the fact alone of this proposed enlargement, which they admit has been adopted with the concurrence of those whom they declare not only to have disapproved the conduct of recent Committees, but to have expressed boldly and unequivocally their displeasure—and yet whom by a strange inconsistency, and, in terms little becoming the courtesy of a composition almost diplomatic, they accuse of weakness and timidity—from the mere fact of this proposed enlargement, they infer and charge a criminal intention. In their endeavours to support this inference by evidence, they have wholly failed. What they have adduced with that view, and under the colour of testimony, has tended only to rebut the inference, if any such indeed could fairly be implied solely from such a fact, and upon a supposition invented by their own imaginations, they hold this Committee not to be convened for the legitimate and professed object of petitioning Parliament, but for other purposes. Upon this hypothesis, therefore, assumed by themselves, and wholly unsupported by any facts or circumstances which it is possible for any reasonable man to consider as warranting the assumption, they pronounce the assembly to be unlawful, as prohibited by the provisions of the Irish Convention Act, of which they say such an assembly as that proposed by the Catholics, is a direct violation.

THE ARGUMENT OF MINISTERS is not satisfied with prohibiting both the appointment as well as the assembly of this Committee, merely as a violation of the Conven-

tion Act—a Statute which they admit the Catholics to have proved was in the contemplation of those by whom it was procured, enacted with a view of suppressing other meetings than of the Catholics, for the purpose of petitioning Parliament at a future period for ulterior relief, through the same means which they had then recently adopted, and to which they think it advisable again to resort*. Without reference to this Statute, and laying the consideration of it aside, they have ventured, in the absence of all evidence, and proceeding again solely upon supposition and assumption, to charge against this Assembly that it is convened for the purposes of HIGH TREASON, and they declare the leading Catholics to have forfeited all claim to forbearance on the part of the Executive Go-

* The Letters of Marcus admit that the Catholics have proved this part of their case. The Convention Bill was altered by the late Lord Kilwarden, then Attorney-General, expressly that *it might not impede* the Catholics from assembling, at any future time, another Convention for the purpose of actual petition to Parliament. The late prosecutions, therefore, instituted as they have been solely upon the letter of the Act, and conducted as they have been in a manner under which it was not even attempted to offer evidence of any improper views on the part of the Catholics, notwithstanding *long orations* upon treason, faction, and danger to the State, are, as far as Ministers are concerned, a FLAGRANT, AND ATROCIOUS VIOLATION OF GOOD FAITH towards the PEOPLE OF IRELAND.

An Act of Parliament once passed it is to be expounded by Judges without reference to its Parliamentary history, unless there appear a connection with it upon the face of the Statute itself. What must, however, have been the surprise and the feelings of an anxious public, acquainted minutely with the history of the Convention Act, when they heard a Chief Justice charging a Jury to *convict* Dr. Sheridan!! What an impression have Ministers thus excited against all future arrangements in Ireland. They have taught every Irishman at once to exclaim, *NUSQUAM TUTA FIDES*; and what animadversion can be *too* strong against the conduct of persons who, by such a breach of faith, have perhaps lost, not only for themselves but for their successors, all future confidence on behalf of Ireland.

vernment, from prosecution to the utmost rigour of law. They say the Catholics have “DARED the law”—and they declare unequivocally that the object of the meeting is solely “to *intimidate* PARLIAMENT.” They charge against the leading Catholics, whom, without naming, they accuse “of being avowedly enemies to a connection “with Great Britain”—that it is by the proposed meeting “attempted and intended TO ESTABLISH A CONSTITUTION FOR IRELAND SEPARATE AND DISTINCT FROM “THAT OF GREAT BRITAIN”—and at the commencement of the Letter in which this alarming accusation is advanced, it is distinctly stated, “THAT THE CATHOLICS HAVE FORFEITED, BY THE VIOLENCE OF THEIR “PROCEEDINGS, THEIR CLAIM TO ANY EXCEPTION TO “THE STRICT EXECUTION OF THE LAW.” And yet they allowed these avowed TRAITORS to be AT LARGE, and the elections of the persons who are to compose this TREASONABLE ASSEMBLY, notwithstanding this denunciation and the PROCLAMATION itself, to proceed WITHOUT MOLESTATION.

The ARGUMENT OF MINISTERS proceeds upon grounds still *more extraordinary*, and to my mind more *seriously* ALARMING. Wiser than all former Administrations, matured by greater experience, enlightened with new rays of political wisdom, they aver that even in the absence of a criminal motive danger must necessarily arise to the State, from the meeting of the proposed assembly. Speaking of the Catholics, not as traitors, but “as PE-
“TITIONERS,” they aver, “that in the pursuit of a legitimate object they have adopted *means dangerous to “the tranquillity of the State,*” although they are the same means which the Catholics have pursued with success to themselves, and with security to the State, upon a former occasion, means not only ALLOWED, but SANC-
TIONED and SUPPORTED even by Mr. PITT, than whom I

believe no Minister ever existed more alive to the preservation of public order, more disposed to discountenance and suppress any proceedings calculated to endanger or subvert the established Constitution. It must be in the recollection of your readers, not only that the Catholics of Ireland held a convention upon principles of delegation in 1793, but that their delegates were introduced into the presence of the Sovereign, with Mr. Pitt's concurrence, officially presented by the late Viscount Melville; that the result of their application was successful, and their proceedings cordially supported in Ireland, upon instructions from the British Cabinet. What however Mr. Pitt, even in times more critical and turbulent, conceived to be measures in the Catholics innocent and lawful—measures *against which, it was distinctly avowed, the Convention Act was not destined to operate or be applied*—the present Ministers hold to be *ipso facto* dangerous to the State, and they aver that they are to be suppressed with a strong arm by Government, without regard to the law, however it may authorise the proceedings to which the Catholics have resorted. The application of the Convention Act to the proposed Assembly they do not conceive a material consideration. They have professed to act upon a law, “*since otherwise,*” say they, “*it would be an avowal of weakness*”—and so far only do they appear to consider the question of legality as connected with their proceeding. They have, on the contrary, distinctly declared—I quote their own words—that “they wish neither to JUSTIFY themselves simply by
 “ by the LAW, NOR TO APOLOGISE FOR ANY
 “ BREACH OF THE LAW.” They seem to consider the transcendence of their power, although invested only with the administration of executive authority, superior to any legal enactment, and that they are not bound by any restrictions which it may impose upon their

own conduct, or to respect the liberties which it may secure to the subject, "The spirit" as well as the Letter of the law, are with them matter only of secondary importance. POLICY alone is the rule by which they consent to be governed—they appeal not to legal tribunals, but to "STATESMEN"—(although condemned by the example of that Statesman whom they profess to venerate)—and they will allow themselves to be influenced only by what they call, without any definition of its nature, and in opposition, as it should seem, to established law, "GENERAL" and even "PARAMOUNT DUTY."—They constitute themselves sole infallible judges of what endangers the public tranquillity or the "CONSTITUTION," as they call what they do not define, but what they declare to be PARAMOUNT OVER THE LAW (it will be asked, perhaps, whether they mean the Constitution of the Government or of their own Administration) and they claim a right of arguing "that in the DORMANCY (the reader will mark well the expression) of the *Legislative Power*," the Assembly proposed to be convened by the Catholics of Ireland "may be put down even by UNLAWFUL MEANS*!!!

THE ARGUMENT OF MINISTERS, for such I must persevere in calling it, until they *disavow any privity to the Letters signed MARCUS*, is of the tenor which I have stated; and upon referring to the papers themselves, it will be seen whether the preceding extracts, and the application which I have made of them, be not correct.

Such, Sir, has been the argument of persons who are still in office, as Ministers of Royal authority, under a limited, and not an absolute monarchy—under a Consti-

* I recollect to have read some time ago, a Letter addressed to the Prince of Wales, by a Mr. Miles, which hinted at a plan formed by some to suspend the Constitution. I considered the idea visionary at the time, but I know not what to think upon the subject, after what we have witnessed in Ireland.

tion established not by caprice, but by law—under a Government bound in the Administration of the executive department to conform to Acts of Parliament, and to yield to them in common with the governed implicit obedience. They have applied the doctrines which they have thus advanced, not to an extreme case—not to a sudden emergency of extraordinary peril, which, during the sitting of Parliament, it was impossible to anticipate, and which would not allow the delay of recurring to the Legislature for aid and assistance; but it has been adopted by them in a matter which had arisen originally whilst Parliament *was* sitting—which, previously to a prorogation it was easy to foresee would naturally again recur—in which they have not availed themselves of the power vested in them of summoning immediately a meeting of Parliament to provide for this supposed exigency—and it has been insisted upon in a question which respects the exercise by the subject of an INDEFEASIBLE RIGHT—forming part of the ORIGINAL COMPACT—secured by the OATH OF THE SOVEREIGN AT HIS CORONATION—and expressly recognised and confirmed by special legislative enactment in the FUNDAMENTAL LAWS OF THE REALM*. Charged with having invaded and attempted to prohibit a RIGHT THUS SACRED AND INVIOLEABLE, they declare that “they wish neither to justify themselves simply by

* Can Ministers have read the history of the proceedings adopted by the Ministers of James the II. or does there exist a secret cabal in the Cabinet, such as that which urged that unfortunate Monarch to sanction those measures, through which he lost his Crown, by abdication according to the law of England, by forfeiture according to that of Scotland? what questions are excited not only by the Proclamation in itself but especially by this vindication of that instrument? How can the advisers of these measures escape from an IMPEACHMENT, and how serious is the nature of the crime with which, in such an event, they will stand charged!

“ the law, NOR TO APOLOGIZE FOR ANY
“ BREACH OF THE LAW!!!”

After an elucidation thus afforded by Ministers themselves, have I been too strenuous in imploring the attention of the British nation to their proceedings in Ireland? Have I exaggerated the importance of the question as connected with our own liberties? Have I been too severe in my animadversions upon the conduct of such an Administration—too clamorous for their IMMEDIATE DISMISSION before the mischief and calamities shall be consummated, to which a perseverance in a system from which they may neither be disposed from the obstinacy of their infatuation, or indeed now able, upon principles of consistency to recede, must NECESSARILY AND INEVITABLY TEND? The more, Sir, I consider the subject, especially since reading the ARGUMENT OF MINISTERS THEMSELVES, the more I am convinced that the question concerns the rights of Englishmen, and the existence not only of Irish, but of English liberty. We may dislike the Irish nation, and we may revile them—we may smile at their accent, or ridicule their discourse—we may consider them fiery, obstinate, or wrong-headed—we may view Ireland itself as a political volcano, but MAY IT NOT BE AN ÆTNA IN WHICH THE PRESENT MINISTERS ARE FORGING CHAINS FOR THE ENSLAVEMENT OF OURSELVES.

In advocating, Sir, the cause of so large a portion of his Majesty's subjects, and in endeavouring, however deficient in talent or ability, to defend them against an accusation so heavy and atrocious as that which has been preferred by the Irish Government, not merely in an argument or exposition of their motives through the demi-official medium of a newspaper, but in a FORMAL AND RECORDED ACT OF STATE published to Europe, and to the whole world, in a NOVEL, UNPRECEDENTED, UNCONSTITUTIONAL FORM of a national INDICTMENT, or, ra-

ther, NATIONAL CONVICTION, I trust that I do not request too much from the candour of the British nation, if I entreat them to pause, before upon mere presumption, and only upon the assertion of decided, inveterate, and interested adversaries, they shall condemn unheard THE CATHOLICS of IRELAND. Will they give credit solely to the very limited number of signatures in the list of Irish Privy Counsellors, whose names are annexed to the Proclamation for a knowledge of the real state of Ireland, or to the general suffrage of the collective body of IRISH PROTESTANTS, whose sentiments have been unequivocally expressed in their countenance of their Catholic fellow-subjects, and in their decided refusal to adopt or support that unfounded, illegal, and injudicious MANIFESTO?

I cannot indeed persuade myself that the good sense of England will long allow itself to be abused, or that they can think the Catholics of Ireland liable to just reproach, still less to the grievous charge of TREASON AGAINST THE ESTABLISHED CONSTITUTION, because they have thought it advisable, as tending to promote a desirable adjustment of a controversy, that has created such detriment to the welfare of the Empire—has prevented hitherto the completion of the Irish Union—has disappointed all the views in which that measure was planned in the contemplation of those Statesmen by whom it was effected, and who conceived the consolidation of the two Parliaments to be only a preliminary proceeding in the settlement of Ireland—has so long debarred the country from the services of the most eminent persons in the State—has united on one side only of the dispute, and in favour of concession to the Catholics, all men distinguished by a reputation for talents, political knowledge, and for capacity in arduous times to conduct the Government—has precluded also the possibility of any firm, efficient, and durable Administration, in a conjuncture when a settled

Administration has been so peculiarly requisite—because, Sir, to terminate such a controversy, the Catholics have adopted measures, which they hold to be strictly legal and constitutional; which they have pursued at a former period not only without censure, but with the sanction of the Executive Government, and against which it is admitted to be proved that the Convention Act was not devised or intended to be directed—to which they have on the present occasion resorted, only at a time when an adjustment through a *legislative proceeding has appeared to them at length practicable, and capable of being, to a certain extent, advanced, if not finally concluded*, in order, that by such measures, they might be able to facilitate the means of arrangement. This, Sir, is the view, and their sole view, in resorting to this measure. They have wished, in the first place, to ascertain the sentiments of their own body upon points, on which a difference of opinion has prevailed, or might arise among themselves; and having obtained that information, (or established the means by which if necessary in the progress of any Parliamentary proceeding it might be procured,) to be able to conduct the management of a petition to Parliament in a manner satisfactory to all parties concerned—a manner in which the wishes of the Catholics might be explained to Parliament accurately and authoritatively by their Parliamentary friends, without the recurrence of former misconceptions or misunderstandings—a manner in which Parliament itself might be able to ascertain, with equal accuracy and with dispatch, the disposition of the Catholics upon those points, on which, for the security of our ecclesiastical establishments, it might in its wisdom think proper to require concession from the Catholics themselves.

Pardon, Sir, the prolixity of the preceding paragraph, which it has been impossible for me to curtail, as I have

wished in stating, to develope at the same time, the object of the Catholics in the proceeding to which they have resorted. That object is more succinctly stated in the Letter of Mr. Hay, in which he explains the measure recommended by the Committee as advisable, “in order that, at a moment when emancipation might be considered as at hand, the Committee might be able to ascertain, in order that they might obey the wishes, and clearly understand the wants, of their Catholic fellow-subjects”—and that in such a moment, and under such expectations as those which they were led to entertain from circumstances on which it is not necessary to enlarge, but which might occasion a necessity of serious deliberation as to the course to be pursued in the conduct of the Catholic claims at that conjuncture—as to the extent to which relief should be solicited—and as to other considerations of accommodation to a new system of Administration, established upon principles favourable to their cause—the Committee, already honoured to a certain extent with their confidence, might, under such circumstances, and for such a lawful and salutary purpose, become the “DEPOSITORY OF THE COLLECTIVE WISDOM OF THE CATHOLIC BODY.”

I shall pursue, Sir, in the following Letter, the consideration of this subject; in the mean time, permit me to ask, whether I have not already assigned a fair, and reasonable, and natural motive for the course pursued by the Irish Catholics, under circumstances calculated to induce them to think that an Administration would be formed disposed to support their claims, and that a petition, submitted to Parliament under such auspices, might produce if not a final arrangement at least a result beyond an unavailing and fruitless discussion?

In concluding this Letter, I will venture to ask, even in this stage of the argument, if I have not substantiated

my defence of the Catholics against the accusations of the
Irish Government?

HIBERN-ANGLUS.

Sept. 25, 1811.

LETTER X.

THE CONDUCT OF THE CATHOLICS VINDICATED.

SIR,

IN the preceding Letter, I adverted to the special circumstances, under which the Catholics of Ireland resorted during the last winter to the expedient of collecting, through an enlargement of their Committee, the general sentiments of their body upon all points connected with the prosecution of their claims in a Petition to the Legislature. In passing their resolutions of the 9th July, they have been influenced by the same considerations which dictated the Letter of Mr. Hay; they have conceived those considerations more peculiarly applicable to the circumstances under which, as they still are induced to think, the renewed Petition, proposed to be submitted by them to the Legislature within the first month of the approaching session, is likely to be brought before the consideration of the Imperial Parliament. I notice particularly that passage of their resolutions which relates to the *time* at which it is proposed to present the Petition, as calculated to rebut the idea of a wish, on the part of the Catholics, to establish "A PERMANENT ASSEMBLY." The Catholics, Sir, passed their resolutions in July, under an expectation that the time of their emancipation is at hand, and that the moment is approaching, so anxiously desired by Mr. Pitt as the proper opportunity of settling for ever with the Catholics, when their case will be submitted to

the consideration of Parliament, with the official support of Government and the general acquiescence of the empire, under an administration influenced in their conduct of public affairs solely by a sense of public duty, and acting upon enlightened and comprehensive principles of IMPERIAL POLICY. I would put it to the candour of Ministers themselves to declare, whether on the day when Mr. Hay's Letter was dispatched, they expected to have remained *many weeks* in office? And whether, even towards the close of the Session, they contemplated the probability of meeting Parliament again, as servants of the Crown? If, indeed, they flattered their imaginations with the fond idea of retaining their situations, it was not the opinion of the British public; and certainly not the expectation of the Irish Catholics.

UPON CATHOLIC EXPECTATION, more might be said; but I would not have written a syllable, had not the Letters of Marcus, under the pretence of declining, invited a continuation of discussion upon so delicate a subject, which I deeply lament to have found agitated, from whatever quarter it may first have proceeded. It is impossible, Sir, not to consider those Letters as written by a superior hand—they profess to proceed from official instructions—and they carry with them the weight of official authority, transmitted to a paper in the interest of Government, avowedly for the purpose of instructing even the friends of Administration, by whom those Letters aver that the matter has been somewhat “misunderstood.” Upon such a subject, I believe all will agree, that in a composition of this stamp silence would have been more judicious, and certainly more decorous. With an INDIVIDUAL, who, however respectable in the discharge of all the duties attached to domestic life, amiable in his disposition, and strictly honourable in his private deportment as a Gentle-

man ‡, is as a Minister in Ireland MOST UNPOPULAR AND ODISIOUS to the Irish nation—it has been indirectly, but intelligibly intimated, that there exists an UNION OF POLITICAL SENTIMENT REGARDING IRELAND in an EXALTED PERSONAGE, upon whom that Country has long rested her fondest hopes, to whom she looks up as her Protector, and for her deliverance from those, to whom she has been made over in a moment of surprise upon the Royal Conscience, and by whom also she has been thus goaded, insulted, and oppressed. After this insinuation, or what in Ireland from the peculiar collation of names will be considered as such, I feel it necessary to declare only my conviction, that although considerations, sufficiently obvious, may have precluded the possibility of Legislative measures in favour of the Catholics, upon the first establishment of the Regency, and the intemperance of individuals in the proceedings of former Committees, misunderstood or misrepresented, disapproved even by many Catholics themselves, may have excited alarm of which advantage may have been taken—yet, many honourable and distinguished persons, Protestant as well as Catholic, with the impressions which they have received, and the opportunities they have enjoyed of forming an opinion, will not believe the probability of CATHOLIC DISAPPOINTMENT.

But, Sir, it is sufficient for my purpose, that I am enabled by common fame, and by a reference to proceedings with which the public are familiar, to shew that the period, at which the Catholics first resolved to enlarge their Committee, was in their opinion favourable

‡ The writer of these Letters has, until the present unfortunate occasion, been a stranger to political controversy, and still more so to political animosity. It has been his endeavour at all times even to conciliate, and he is *persuaded* that he will obtain not only credit but even *testimony* in respect of such a disposition from those individuals to whom he has become thus involuntarily opposed.

to a pressure of their claims. I must, therefore, beg leave again to repeat, *and to impress strongly on the mind of the reader*, that the resolution of the Catholics was taken at a moment when it was expected on their part, that an Administration would have been formed on principles *favourable* to their emancipation—when the presentment of a Petition appeared advisable, not as on former occasions, merely for the purpose of procuring discussion, and preparing the public mind of Britain for future adoption; to keep alive the question; to preclude the idea formerly suggested and even now insinuated by Ministers, that the Catholics are indifferent to the attainment of their object; and to shew, that in no event, and under no circumstances they could absolutely abandon the prosecution of what they consider to be their just claims (whether such claims be just as matter of strict *right*, or upon principles of *expediency*, appears, indeed to me, an *useless* distinction in any practical view of the question, and similar to that in which even the great Earl of Chatham engaged with Mr. Grenville, and *which lost to us America*,) but that the resolution was adopted for the first time only, WHEN A FAIR PROSPECT WAS OPENED TO THEIR VIEW, OF LEGISLATIVE PROCEEDING IN THEIR FAVOUR.

In alluding to these circumstances, I am not, Sir, to be deterred or turned round, by any canting lectures on attachment to the *person** of his Majesty, or with a charge of being wanting in a sentiment of loyal affection. Such attempts, I make no doubt, will be made, both against the Catholic body, and possibly

* No combination can be more dangerous, if carried too far, to Royalty itself, than that of the *person* with the *office* of the King. We should revere the person on account of the office. This constitutes true genuine constitutional loyalty, and will always ensure a *steadiness* of attachment to the Sovereign at all times and in all ages.

against the writer of these pages; but I shall meet them by anticipation, as indeed I have met already the whole course of argument on behalf of Ministers. The Catholics of Ireland, Sir, venerate the KING, and their respect is not confined to the Royal Person, it extends to the ROYAL OFFICE—their numbers in the fleets and armies of his Majesty contribute greatly to support the THRONE—and they prove their loyalty, not by flourishes of rhetorical declamation in the columns of newspapers, but of the trumpet and the drum before the host of an embattled foe; not by the vain and often lying protestations of the tongue, but by deeds in arms, and by copious effusions on the plains of honour from their BLOOD. Those by whom the late resolutions are most approved, are those who feel with *personal* knowledge of his virtues, and with *personal* experience of his benignity, the warmest attachment to the *individual person* of his Majesty; they are those who under circumstances of peculiar risk and intimidation have risked their lives in defence of his authority in the field of battle—and the same resolutions, however feebly, are thus boldly defended by those, who pride themselves in the reflection that they also have been able to contribute by their own individual exertions not without considerable sacrifice of personal ease, and other more serious inconveniences, braving also attempts to excite against them popular odium, not only to promote the honour of the Royal House of Great Britain, in all its branches, but especially the means of administering to the consolation of an aged, august, and venerable Monarch, sinking, in moments of agonizing dubiety upon the most tender subject, under the pressure of poignant affliction. Such, Sir, is the character, and such has been the deportment of those who approve, and who also spontaneously and gratuitously DEFEND, the late proceedings of the Irish Catholics. They are

those who have obtained credit with the public for the moderation of their views, and the purity of their political sentiments; they are, at the same time those, who are the most offended at the deportment of Ministers; who will now adopt a course of the most decided opposition to their measures, and who, although they might despise the attempt to revile them as "weak," and even "insincere," in a Ministerial newspaper or course of Letters; will not, without expressing their resentment in language of the strongest indignation, allow themselves to be promiscuously branded with the more heinous imputation of disloyalty and even treason, in AN OFFICIAL ACT OF GOVERNMENT.

The persons to whom I have alluded, independently of other considerations, would have been led to form EXPECTATION; in the idea that Ministers who profess such exclusive devotion to the personal feelings of the Sovereign would have sought of their own accord, under the severe visitation with which it has been the will of Providence to afflict his Majesty, to accomplish a settlement with the Catholic body, calculated to obviate the recurrence of a subject, which has always been a cause of irritation on the Royal mind, but which, with every disposition in the wishes of individuals, it has been impossible to prevent. "Nations," says a GREAT and ILLUSTRIOUS Orator*, in whom *fancy* and *philosophy* seem to have concentrated, as in a *focus*, all they can afford for the embellishment and energy of the human mind,) "have neither a parent's nor a child's affections," and when the feelings of a quick and ardent people are excited, by what they hold to be a national interest, it would be as easy "to case in the volatile essential soul†," or to command the waves of the ocean not to wash the western shore, as to prevent the renewal of petitions to

* Mr. Grattan.

† Ibid.

the Legislature upon Catholic grievances, from the people of Ireland. Much, however, might have been done. Ministers had printed "MEMOIRS ‡" upon the subject, open on their reading desks, and something might have been tried—any course adopted than that of devising expedients not to pacify and compose, but to irritate and inflame those, whom it was their interest and their duty to have sought at least to have conciliated.

To revert, however, to the argument. I trust, I have satisfactorily established the fact, that the resolutions of the Catholics in July were passed in the expectation of obtaining relief, under the auspices of a friendly administration, through a Legislative proceeding. That at such a moment, and under such expectations, they should seek to adopt measures of hostility—to intimidate Parliament—and to overawe the Legislature, when they entertained reasonable hopes, if not of spontaneous concession, at least of voluntary acquiescence in their demands, may be averred by a Ministerial advocate to defend the desperate cause of more desperate clients; but it is an insinuation that must be repelled by an impartial and unprejudiced person, almost with sentiments of pity towards those, whose minds can have allowed them to be deluded by such an imagination.

What evidence is attempted to be advanced in their argument by Ministers, to support this allegation? The vote of an aggregate meeting of Catholics in November, that the Committee then appointed, and in July demised, should have "*the sole management of Catholic affairs*"—the supposed declarations of individuals, disapproving some of their proceedings—and the tone of that Committee

‡ These Memoirs were written originally in 1809, and published to the world in 1810, for the sole and express purpose of promoting such an arrangement.

As to the vote respecting the management of Catholic affairs. I contend, in the first place, that accompanied by and following upon a commission to prepare a petition to Parliament, such a vote, in my humble opinion, amounts in itself to nothing. It only gave the Committee an *exclusive* right of acting, in furtherance of the legitimate object of procuring Parliamentary redress through a Petition to the Legislature. It was passed in the view of preventing individuals from assuming an authority to treat or act as on behalf of the Catholic Body—to obviate *trading* and *jobbing* in the barter of the Catholic interests;—and what, in the proceedings of the Committee under this right to sole management, in order to substantiate their charge, is the instance given on the part of Ministers? They voted thanks to the Earl of DONOUGHMORE!!! and the same persons whom Ministers accuse of wishing to render themselves “*a perpetual Parliament*”—to maintain an ascendancy over the Catholic Body—to procure an exclusive management of their concerns, and constituted a Committee under a vote with powers to that effect—are the first to surrender in a manner their authority, to acknowledge their own incompetence to conduct the affairs of the Catholics, under the circumstances which had occurred, without assistance; and to call upon the body to appoint an additional number of persons enjoying their confidence with whom they might co-operate, recommending to them it is true the choice of persons resident in, or accustomed to resort to Dublin. The argument of Ministers seizes upon the latter recommendation, with the grasp of a drowning person anxious to avoid his fate; and yet an unprejudiced mind will conceive, that such a recommendation would tend rather to extend, than to diminish, the number of the increased Committee. It ridicules the idea of “*the moderate few*” repairing

to Dublin; but I will submit to any man, whether if a sinister view were entertained by those who proposed the augmentation, they would not have encouraged, if the reasoning of Ministers were correct, the election of supine and inactive individuals, who would leave them to pursue, without trouble or molestation, in the name of the Catholics of Ireland, the bent of their own mischievous inclinations? But, when we reflect upon the situation of political affairs in England at this period, was there not a natural motive for these gentlemen to wish, through the nomination of persons resident in, or in the habit of frequenting Dublin, to facilitate the means of co-operation in a critical emergency, and in the case of overtures of arrangement which it was reasonable to expect, and upon which it would be necessary almost instantaneously to decide? Really, Sir, I have to entreat pardon, for having occupied so much valuable room in your paper, and exhausted perhaps the patience of your readers, in contending against such arguments, founding themselves on evidence, the statement alone of which refutes the deduction, which they would impose upon the general credulity or indifference, with respect to Irish affairs, of the British public.

With respect to any intemperance of language adopted by individual members of the Committee, during the months of November and December last, I shall observe, in the present Letter, that much of it I do not approve—for more of it I can account—and, I believe, the best way of settling the whole, will be by thus declaring my sentiments on the subject, *Laudare non possum, irasci certe non debeo*. I am confident that the present Commander in Chief, (at length restored to a situation the duties of which, previously to his resignation, were always ably filled in the administration of that department—from which he was induced to retire by a foul

machination, since sufficiently developed, that sought also to involve persons equally exalted and equally innocent—and to which he has been since reinstated, with the avowed suffrage of Ireland)—would have expressed thanks to that Committee, for their pains in investigating and bringing to light a practice, which had prevailed contrary to existing military regulations, and to the good of the service * Upon the debates of that Committee I shall enlarge hereafter. It is sufficient for my purpose to remark, that even upon the statement of Ministers, objectionable matter appears to have been condemned by some of its members; and after all, the Resolutions pointed at by the Proclamation are not those of the Committee, now *functi officio*, but of an aggregate meeting of the Catholics.

But to Catholic Noblemen and their eldest sons, to Catholic Baronets, Barristers, Country Gentlemen, and

* The practice, indeed, thus discovered, and which otherwise would not have been noticed, was provided against, by General Orders from the Earl of Harrington, and those Orders condemned it, as contrary to existing rules; but it has been objected against the same Orders, that as relating to past transgressions, they were expressed in terms of very mild reprehension. I should not have expiated on the circumstance, had I not known, that impressions have formerly prevailed, injurious to his Royal Highness the Duke of York, upon the point of permissions to Catholic soldiers in respect to the liberty of religious worship, which I feel myself bound in candour to remove, being convinced that they have been destitute of foundation. As the ordinances of the Army are not constituted by statutory enactment, but by the Royal Pleasure, in what are called Articles of War, I am satisfied with the General Order of his Royal Highness, issued since his return to office, embracing the whole of the Catholic Military, Regulars as well as Militia. In one view the insertion of a clause in the Mutiny Bill, or a permanent Act, might be of advantage, as calculated by removing unfavourable impressions, to promote the recruiting service in Ireland. But there are inconveniences which might arise in England, which will easily occur to any intelligent mind, without the necessity of explanation on my part.

opulent Merchants, (some of them the richest capitalists of Ireland), the Catholic BISHOPS are associated in this general Committee; and this is a circumstance on which the argument of Ministers mainly depends! Why, Sir, who are these respectable, and many of them very venerable men? PRELATES, TO WHOM HIS MAJESTY IS, PERHAPS, ALMOST AS MUCH INDEBTED, AS TO THE ARMS OF HIS SOLDIERS, FOR THE PRESERVATION OF HIS CROWN. His Majesty's Ministers will do well to peruse and study their pious exhortations and energetic remonstrances, addressed at the peril of their lives to the people of Ireland during the rebellion; and should they require further information upon the subject, they will I am sure obtain it in the House of Commons from one of their former colleagues Viscount Castlereagh. However his Lordship may have been surprised, and naturally so, at a recent decision of the Catholic Bishops upon a point of ecclesiastical regulation, I will venture to anticipate that Viscount Castlereagh, sitting in his place in the House of Commons, will never allow observations to be made impeaching their loyalty or the disinterestedness of their motives, without endeavouring strenuously to vindicate them from such aspersions. Whatever may be thought of the decision to which I have alluded, for my own part I am disposed to condemn it strongly, it is to be recollected that it did not preclude the possibility of ULTIMATE ARRANGEMENT. Will not even Christian charity, independently of any political consideration, admit the innocence of the motive which could wish to incorporate with a general Committee, containing the *collective wisdom* of the Body, the *Catholic Prelacy* of Ireland? Upon this I can only say, with a writer in a Ministerial print, who has done me the honour to quote, as I observe, some of my own expressions, *intelligibilia non intellectum adfero*.

I have thus, Sir, endeavoured, more, perhaps, than will be thought to have been necessary, to VINDICATE the Catholics of Ireland from the charges advanced against their conduct by Ministers. I shall, in the next Letter, proceed to JUSTIFY their proceedings.

I remain, &c.

HIBERN-ANGLUS.

30th Sept. 1811.

LETTER XI.

JUSTIFICATION OF THEIR CONDUCT.

SIR,

THE ARGUMENT OF MINISTERS ridicules the idea “*of a debate about Catholic emancipation among the Catholics themselves*”—it conceives a Catholic petition to be the “*simplest of prayers*,” and it asserts that the course to which the Catholics have resorted, “*is perfectly unnecessary for the avowed and legal object*.” In making these observations can Ministers be sincere, or if sincere, can they have studied the history of Ireland during the last twenty years, or even read the newspapers of the day? Can they claim credit for a capacity to comprehend even the ordinary course of Legislative proceeding?

It is my intention in the present Letter to refute these assertions thus advanced by Ministers; to shew the propriety of the course which the Catholics have adopted, by reference to circumstances existing within their own body—and in the sequel I shall endeavour to justify their resolutions, even upon other grounds. From the rapidity with which these Letters are composed and dispatched; from the distance of the place where they are written, from that of publication, and the interval which necessarily elapses between the transmission and revision of them in a printed form; it is possible not only that I may fall

into various inaccuracies of style, but into frequent repetition of ideas. They will therefore I hope be excused; and if I am late in my observations on events, or in reply to animadversions, it must be attributed to the situation of the writer—to his remoteness from the scenes of political discussion; and to the casuality of opportunities, in which he is enabled to peruse the journals of the metropolis.

In point of fact, Sir, is it not notorious that the Catholics of Ireland, however agreed in the wish of being freed from their incapacities, and however natural Ministers in their argument now acknowledge that desire to be, having formerly endeavoured to represent that the people of Ireland were indifferent upon the subject—is it not notorious that they have not always been equally agreed, upon the means proper to be pursued for the attainment of that object? There have been few assemblies of the Catholics, whether aggregate meetings or Committees, in which a difference of opinion has not often prevailed, leading not unfrequently to a division of suffrages. They have disagreed even upon the propriety of petitioning Parliament; but without deciding upon the merits of the parties to that disagreement, and not meaning to concur in any opinion which may have been expressed upon the subject, I must say it is a little remarkable, that those most *adverse* to petitioning are persons, whose political principles the advocates of Ministers have generally been disposed to condemn most severely. I will not, Sir, defend either persons or their principles, when I do not approve—I will declare boldly, as I have already expressed on some occasions, my dissent—but I will not join in any cry; still less will I court reputation for purity in my own motives, by inveighing against others, whose imaginations may be more ardent, whose expressions more vehement, but yet whose hearts and intentions may be as honest, as those of the most loyal of men.

Permit me, Sir, to avail myself of this opportunity to introduce observations, which appear to me not unworthy of attention, as connected with Catholic debates. We are told that they are *intemperate*. Applied to some occasions I admit the fact. I will add that the debates of Irishmen, unless *read in an English translation*, will often appear TERRIFIC. To be understood, Sir, they must always be translated, and that translation must be liberal—consistent with English idiom. The two nations will never otherwise comprehend each other, or we shall always misunderstand the language of Ireland. Allowance must ever be made, on these occasions, for the general tenor of Irish eloquence. The force and effect of language depend indeed always upon the acceptation prevalent among those to whom it is addressed; and strong expressions are in some countries frequently applied to ordinary incidents, which in other countries would convey the most serious import. Thus a Frenchman is “*desperate*,” *au desespoir*, if he spills coffee on a carpet; and an Italian is equally “*desperate*” if he cannot have the “*glory*” to copy for you music; *e disperato di non poter aver la gloria di servir la sua eccellenza*. I actually received once a note, Sir, from an Italian copist exactly in these words. In the same manner an Irishman, directing his mind to higher contemplation, and soaring to a more transcendant altitude, will use the strongest terms to express even a slight degree of displeasure at the conduct of affairs; and having delivered himself in a lively sally of keen invective against Ministers, and talked by the hour of chains and thralldom, tyranny and oppression—will retire from a meeting apparently turbulent, in perfect good humour; satisfied if his wit shall be recorded in a newspaper, and indulging, no thoughts of mischief and sedition, but only the flattering hope, that it may meet the eyes and approbation

of some beauteous fair, in the circles of peaceable domestic society. Such, Sir, were often the debates of the Irish Parliament; and its courtesy allowed a gallery to the ladies, who held, within its walls, a Parliament also of their own.

We must not judge of the Irish, in this respect, by ourselves. The national character, habits, feelings, eloquence, all are different. They are a quick, sprightly, animated people. Their tone is always impassioned. The Athenians themselves delighted not more in speeches. With the Irish, oratory is not only a natural endowment; it is absolutely a passion—which therefore cannot be extinguished, and must be indulged; humour it, and it will not be perverted. Freeze not its genial current—let it flow on; and if you will, divert its course. But seek not to dam it up. The rash attempt will not succeed; and it will cost you dear; it will burst your flood-gates—overflow—and in a torrent impetuous and irresistible, carry with it desolation.

Such, Sir, is the nature of Irish eloquence—such the view in which it is to be contemplated—such the policy to be pursued in the direction of it, by a Statesman.—*Valeat in concionibus, vehementes habeat repentinos tumultus—spatio interposito et causâ cognitâ, consenescet.*

We must concede to the Irish the merit of genius, invention, and brilliancy of invention. I may be permitted, however, to observe, that although copious, poetical, and even sublime; they have sometimes a disposition to adopt a style of eloquence too FLORID, what rhetoricians call *fervidum genus dicendi*—*cadunt in hoc vitium*. It is well understood among themselves, where from their frequency exaggerated expressions produce little or no mischievous effect; but I cannot complain, and they must not themselves be surprised, if transported into this country it may alarm an English reader, inclined to

weigh each expression according to its true import, in the scale of that *quiet sober good sense*, which is the striking feature of the English character. I cannot, on the other hand, allow Ministers to avail themselves of any hasty intemperate expressions, used by any individuals at former Catholic meetings, as affording any argument in favour of their own proceedings. We must at all events mutually adopt, upon this point, what in technical language is called the law of set-off; and if this be not conceded to me, I must take the liberty of holding them bound by every thing calumnious, and as adopting all the atrocious sentiments which are to be found in the speeches and publications of their own Privy Counsellor and favoured advocate, the Right Honourable Dr. Patrick Duigenan. Let Ministers abandon to me the LEARNED DOCTOR, and I will yield up on my side the most infuriated among those, whom they call by the appellation of "*Catholic agitators*," if any are indeed to be found in the Catholic Body, and not *solely* among MINISTERS THEMSELVES.

If the language of the Catholics at former meetings has been violent, it must be kept in mind, and I may be allowed to argue from the circumstance, that the provocation has been also violent. It cannot afford an argument decisive of the fact, that a future meeting not yet assembled will be turbulent: still less for denouncing such an assembly unlawful. How is it possible that persons should meet, smarting under the stigma which the law still inflicts upon their character, and labouring under incapacities to which the Catholics are still liable, (and which, because they are less numerous than heretofore, they feel more galling), without expressing themselves in the language of strong feeling, without loudly complaining, and without availing themselves of an opportunity to vindicate their principles and their conduct, from foul

insinuations and injurious misrepresentations, on the part of Ministers. Let Ministers read over soberly their own speeches during the last ten years, and consider their effect; let them reperuse the pamphlets which they have encouraged—let them ponder over the columns of their newspapers, particularly those in justification of their own late violent proceeding; and put the question whether they could themselves, as men of spirit thus derided, or as honourable persons thus slandered and aspersed, meet without expressing their indignation and indulging their resentment, in very vehement discourse? We may regret, we may even lament many things at which we cannot be surprised, and which we are not able, or authorised to prevent. When, independently of Peers deprived even of a vote in the representation of their own body, and gentlemen of large estates excluded from the House of Commons, it is considered that the number of Catholic Barristers in Ireland exceeds SIXTY, all debarred from advancement in their profession—when we reflect upon the numbers and opulence of the Catholic merchants of Dublin and other cities, who have been deprived, *by an Act passed during the present Administration*, of any share in the direction of an establishment, to which they were themselves principal contributors—when we think upon the number of parents and heads of families, anxious to prefer their children in the service of the state, in one department precluded from attaining any distinguished situation, in the other, from all promotion beyond a certain step, an inadequate reward for the toils, risk, and other sacrifices in a military career—when we remember that the persons, thus restrained, form the GREAT MAJORITY of the PEOPLE of IRELAND, encreasing daily in property, and with that property encreasing in a desire of the POLITICAL CONSEQUENCE so wisely attached to it in the TRUE SYSTEM of the BRITISH CONSTITUTION—when these things are

recollected, and the language also is recollected of men in power, as well as the *sparing hand* with which those advantages have been administered, to which the Catholics are even at present legally entitled—can it be extraordinary, that meeting under such circumstances they should decline to lavish encomia upon LAWS, by which they are thus restricted—to declare the praises of a CONSTITUTION, of which they are told such restriction is a FUNDAMENTAL PRINCIPLE—OR to wish the continuation of a government, under which Ministers would seek to render such laws ETERNAL. It is not in the NATURE OF MAN.

I admit that this is an evil, a misfortune, and even a deplorable calamity. I think, perhaps, more seriously on the subject than Ministers themselves; and in the course of these Letters I have invariably expressed my apprehensions of the effect which may be produced by their late proceedings, and still more by the general tone of their administration, towards this numerous and powerful body of Irish subjects. It was the advice of Mr. Grattan to a former Government, “*whatever, (I write the words from memory) be your conduct towards the Catholics, let it be decent; and if you will refuse them, let it be always with civility.*” This has not been done by Ministers; and the evil I repeat is serious. But how are we to proceed? There are only two ways. Reason points at the post to one. Folly alone entices us by the other. In the present case, it is fortunate that the road of reason is straight before us, easy, and what we cannot miss. The other is IMPRACTICABLE—would involve us in inextricable PERPLEXITY, and ultimately conduct us to certain perdition, “*leading us even down into the chambers of DEATH.*” We must dispute each inch by the sword with dubious success; and in the very beginning of our career we must trample upon every thing dear, sacred, and unalienable from mankind. The inconveniences, either apprehended,

or actually resulting from Catholic meetings, can be obviated only by REMOVING THE CAUSE, and by granting without delay, and before importunity, liberally, spontaneously, and cheerfully, CATHOLIC EMANCIPATION. Such was the plan, and such were the views of Mr. Pitt. If this be not done, there remains but one means to which we can resort. THE ASSEMBLY OF ANY NUMBER OF CATHOLICS FOR THE CONSIDERATION OF THEIR GRIEVANCES MUST BE RENDERED PENAL BY A NEW ENACTMENT—new torments must be then devised—and we must take away, the only solace of the wretched, the FREEDOM OF CONDOLENCE.

OUGHT this to be, CAN this be accomplished? The good sense and humanity of Englishmen—the spirit of Irishmen—the liberality prevalent in the laws and disposition of Scotchmen, and their prudence in deliberation—the universal voice of the Empire, loudly proclaim that it CANNOT. And yet, Sir, the infatuation of Ministers is such, that they seem to have dreamt, in the madness of their intoxication, of accomplishing such a project. It can be proved to demonstration; and if any thing were wanting, the inquiry into the fact would be sufficient to open the eyes of Englishmen, and to exhibit in their true colours the new jewels, by which it has been sought to add false lustre to the Crown; and which I am told, certain OFFICERS of the TOWER are busily employed in endeavouring to bind in, with clasps of the HARDEST IRON, rendering them INSEPARABLE.

Pleasantry, Sir, is ill suited to this mournful occasion; and if I have indulged it, I hope innocently, in the preceding paragraph, it has been only to drive away the melancholy thoughts which rush upon the mind, when we reflect upon the awful alternative to which Ministers have brought both themselves, and Ireland. I affirm and charge against them, that by their own acts, followed by their own arguments, they have driven themselves, in their

blindness, to the NECESSITY OF ELECTION. Consistently with the grounds on which they have issued the PROCLAMATION, and on which they have explained and justified that measure in the LETTERS signed MARCUS—letters upon the face of them purporting to proceed upon official information, and official authority—clearing also away the obscurity of the Proclamation itself, which struck me upon the first perusal of it, and which I noticed upon my first address--MINISTERS CANNOT NOW AVOID making choice of the LATTER ALTERNATIVE; and it seems indeed to have been with them from the beginning an ORIGINAL CONTEMPLATION. This, Sir, I will PROVE.

When we consider, that in their Proclamation they attempted to avail themselves of an *existing statute*, seeking to wrest it to the purpose of suppressing an assembly, lawfully convened by the Catholics in order to promote the constitutional course of a Petition to the Legislature for relief from their incapacities—that they have not relied upon that statute even in their PROCLAMATION—have shewn themselves inclined to repudiate that statute altogether—and have the effrontery to declare that if not justified by that statute, and even if their conduct be contrary “to its spirit,” as well as to “its letter,” they seek not to “APOLOGISE FOR THE BREACH OF ANY LAW”—when they have gone so far as to insinuate that the proposed assembly “*in the DORMANCY of the Legislative power,*” might be put down *even by UNLAWFUL MEANS*,—surely, Sir, their disposition must be CLEAR and MANIFEST. The attempt in the Proclamation shews a deficiency only of the means, not of the inclination; the Proclamation implies the principle, on which the Legislature, in their contemplation, should be called upon to act—and the justification, explaining and developing that principle, plainly intimates, what during the “DORMANCY” of the Legislature are the laws, which they are preparing for its

consideration when it shall awake; at all events *their own* ideas of what is PROPER AND NECESSARY TO BE ENACT-ED!!!

What, Sir, is this but DEMONSTRATION—plain, palpable, irrefragable DEMONSTRATION: and what stronger evidence, of what is passing only in the interior invisible recesses of the mind, will the people of England require? To them, Sir, I address these Letters—not to the people of Ireland; they have already thought upon these things; and they have no information to obtain from Hibern-Anglus.

THE CATHOLICS OF IRELAND, although Parliament may be unfortunately lulled to sleep, (*and it has been only during the hour sacred to its repose that Ministers have ventured on this deed of darkness and surprise*)—the Catholics of Ireland, Ministers may be well assured, are NOT DORMANT.....they are upon this occasion tremblingly **▲**LIVE.....their attention and their fears have been, from the first moment, strongly EXCITED.....their apprehensions, should Ministers venture or be allowed to meet Parliament (I am satisfied they will not) will amount to CONVICTION.....they anticipate a question involving not so much CATHOLIC EMANCIPATION, as CATHOLIC PRESERVATION.....and if the minds of Ministers be made up, upon what they call “paramount duty,” to *legalise* “unlawful means,”—they will find not only the Catholics but ALL IRELAND, upon principles of duty more certain and acknowledged, with the advantage also of RIGHTS SACRED and UNALIENABLE on their side, equally DETERMINED. But I repeat the assertion contained in my first Letter, and since more minutely explained—The continuation of the present Ministers is IMPOSSIBLE ‡.

HIBERN-ANGLUS.

2d October, 1811.

‡ This Letter concludes the series of those, which actually appeared in the Morning Chronicle.

LETTER XII.

ON MR. PITT.

SIR,

UPON the nature of Catholic debates, I apprehend that I shall be thought in the last Letter, to have sufficiently enlarged; and I shall conclude my observations on that head by remarking, that any inconvenience, which they may be supposed to occasion, was long since foretold by that truly accomplished Statesman, whom I have so often cited. It grows, indeed, out of the system, if system it can be called, which has been adopted hitherto in the repeal of those laws, by which the IRISH NATION were so long excluded from the IRISH CONSTITUTION. “Your comprehensive theories and imperfect grants,” said Mr. Grattan, “have opened discussion, and let in a train of ideas, which MAY GREATLY SERVE; or MARVELOUSLY DISTRACT YOUR COUNTRY. The Bill (that of 1793) has my support, because it does much, and LEADS TO SO MUCH MORE; but the author of it would have displayed more wisdom, if he had given the Catholics the whole now, and had SETTLED WITH THEM FOR EVER.”

It is not my intention, nor indeed is it within the scope of the discussion which I have proposed, to enter upon

the present occasion into a consideration of the question, how far it might have been practicable, at that period to have accomplished what was desired by Mr. Grattan; and whether the Statesman presiding over the councils of that day did not in his heart, although not at liberty to follow the impulse of his own mind, even at that time concur in the opinion which I have quoted. He espoused in *early* life the cause of Ireland; and perhaps on no subject had his eloquence been more conspicuous. He was elevated *prematurely* to the supreme direction of public affairs. Upon matters connected with continental policy, it is impossible that his ideas could, in the first years of his accession to office, have been even formed, still less combined or systematically arranged. He must have entertained, however, upon matters regarding domestic policy, opinions naturally resulting from actual observation, and Ireland appears from the *beginning* to have engaged on his part very attentive consideration.

Upon the policy of Catholic emancipation, all eminent persons in the state have long been agreed; and in that point, even those in other respects discordant have uniformly concurred. It is but fair after what I have just quoted, that I should avail myself of an opportunity to pay a tribute, which I conceive in justice due, to the memory of the departed Minister. I will not, Sir, cant in the usual notes his praise. Mr. Pitt had his errors—his faults—was not without ambition—he is no more. But even his political adversaries, and those the most opposed to the system of his Government and still more to the *môde* by which it was conducted, are willing to admit that he had a COMPREHENSIVE MIND. Perhaps only upon TWO GREAT QUESTIONS did a REAL difference of opinion prevail between that Minister and Mr. Fox—the question of WAR with France, and of the IRISH UNION. Upon the first, their difference is notorious—

and we begin, whatever may have been our former impressions, not only to think, but to *feel* also very sensibly, that the policy recommended by Mr. Fox was the more wise. Of the Union with Ireland it will be perhaps in recollection, that Mr. Fox, upon his return to Parliament subsequent to the accomplishment of this measure, took occasion to deliver in his place, retrospectively, a DECIDED DISAPPROBATION. Upon the Catholic question, however, both were agreed; and of this, whatever may be thought by others, I am myself now thoroughly persuaded; that Mr. Pitt ENTERTAINED A SINCERE DESIRE OF ABOLISHING IN IRELAND ALL CIVIL DISTINCTIONS BETWEEN CATHOLICS AND PROTESTANTS, ON ACCOUNT OF RELIGIOUS OPINIONS. Mr. Fox, from the freedom of his own situation in Parliament, had only to *déclare* his sentiments. Mr. Pitt had to carry the same sentiments *practically* into effect. He had to overcome *difficulties*, by which his views of what with his political rival he considered to be true policy, (*and which even Mr. Fox could not himself accomplish*) were, to use his own expression, “INSUPERABLY opposed,”—and he had also to contend, perhaps, with the INTRIGUES, by which, if they did not excite these difficulties, they had subsequently been encouraged, and industriously MAINTAINED. Whether they had not occurred at a period long anterior to the Union, I leave to be determined by those who remember the reports of that period. But we have almost unequivocal intimation from Mr. Pitt HIMSELF, that it was principally in the hopes, and as the means, of *surmounting those difficulties*, he had himself planned, and accelerated the UNION WITH IRELAND.

It will be of advantage to many if they will turn to the speeches of that great Orator, of whom some of the present Ministers affect to be disciples; and if they will contrast his opinions, there disclosed, with their own lan-

guage, and their own deportment ‡. Those, Sir, who can feel for a Minister assuming office, not for the advantages of place; not upon calculations of pecuniary benefit, and as a barter of professional employment; not

‡ I must, however, admit, that candour, precision, and open unqualified statement, are certainly not the characteristic beauties of those speeches. Those of Mr. Fox are distinguished by these qualities; and they contributed greatly to the force of his eloquence. You could always comprehend Mr. Fox, you never could answer him, but you had not the courage to adopt his plans; and you allowed others to talk you into a *distrust* of his philosophy, which naturally you did not feel. He was always above seeking to remove prejudices—he never would argue with them—he indeed often excited them. Mr. Pitt with more natural hauteur, and from the difficulties which he experienced in the first years of his administration prone to asperity, was withal more courteous.

How different, many think, would have been the situation of the British Empire if the counsels of Mr. Fox had prevailed, and the King of Great Britain had been advised to adopt that course towards France which he actually pursued as Elector of Hanover. The system of our foreign policy, as adopted since the French revolution, has made France a great Empire—it has nearly undone ourselves—and the continuance of the present Ministers, or of those who adhere to a system radically erroneous, will accomplish the destruction of our power.

I cannot subscribe to that sentiment, which considers peace to be necessarily unattainable, or which repudiates the idea of negociation. Peace I conceive to be the interest of Britain, and an adherence to it when concluded, not incompatible, but even consistent, with the interests of France properly understood; peace, *concluded upon terms fair and honourable to both countries*, will be of long duration. Europe has suffered so much from the scourge of war, that its flames once extinguished will not be allowed to be again enkindled.

What, I would ask, is the *object* for which we are contending; and if that object could be accurately or intelligibly defined, I would ask further what is the *prospect* of ultimate success? By what means is it likely to be obtained? Are such the means which we *actually* pursue? Are we proceeding upon any *settled principle*, or are we fighting a war of *chances*? Are we engaging our last stake at *political hazard*? If so, against *whom* are we playing, and on what side will the *odds* be laid by spectators?

Peace I cannot but think wise policy, conducted under negotiations invited not by an *ephemeral Administration* without character, strength, or solidity, and only as the last resource in order to obtain lost popularity

through a casual opening, which none could have expected, and an opportunity which few would have embraced; not upon principles of obsequious deference to mistaken piety; to continue the fetters of a brave and loyal people, and frustrate their relief from incapacities, as impolitic as they are oppressive;—but a Minister accepting his official situation from an innate consciousness of transcendent talents, and of ability to conduct with the superior advantages of uncommon and splendid endowments the affairs of a great nation, upon the views and systems of an enlarged and enlightened mind—a Minister, seeking not by paltry shifts and expedients, and by courting those whom recently he had stigmatized and reviled, to secure the prolongation during a time of little brief authority; but bent upon the accomplishment of plans tending to produce permanent benefit to the state, and able to maintain, even by the sanction of his name alone, a steady system of political government—supporting himself in power, not by the intrigues of local and limited prejudice, but almost by the general and spontaneous suffrage of the empire—a Minister, with all due devotion and submission, yet not watching the transient smiles nor dreading the frown of princes; not compelled to consult intermeddling courtiers, nor dependent upon their will; but proud in enjoying the respect of the Sovereign, commanding from

by other means irretrievable, but by Ministers of capacity and known ability enjoying public confidence and respect. The honour of the country would, by such men, not be committed in the opening of negotiation, and its interests would not be endangered by any weak, unnecessary, or impolitic concessions: but defend us from any attempts at peace, made solely in the view of keeping any set of men in the offices of Administration! Let us also avoid for once the former system of putting in a weak Minister, merely to sign a disgraceful treaty which all may abuse, and then to retire for ever from office. Peace can be *attempted* only by those, to whom the country will give a confidence, perhaps never before enjoyed or bestowed.

his servants reverential awe, and emulous of glory in the estimation of succeeding ages—those who can feel for such a Minister, will feel for Mr. Pitt; and they will almost shed a tear upon the page, where they shall behold that Statesman, in accents mournful but in language dignified although depressed, retaining even in humiliation and distress the same exalted tone of lofty and commanding eloquence, bewailing a misfortune not to himself alone but to his country, bitter, severe, and unexpected—disappointed in his fondest wishes—thwarted in the fondest object of his contemplation—cut off in the blossom of his hopes—and compelled to relinquish all those plans, long meditated, and with such care matured, through which he sought to terminate the contest of three hundred years; to establish a new and glorious era in our annals, to be recorded until the end of time; to bring down the benedictions of millions upon his head; to transmit his memory unto their latest posterity as the founder of their liberties; to consecrate in the hearts of Irishmen the name of Union—and to bind round the temples of a Sovereign, (to whose service he was devoted) the TRIPLE CROWN of his kingdoms, consolidated through such means not in theory but in effect, in bonds indissoluble of UNITY AND PEACE.

I shall, Sir, in my next Letter, resume my argument in *justification* of the proceedings adopted by the Irish Catholics. I thought it, however, allowable thus to advert to the sentiments of Mr. Pitt, by whom similar proceedings on their part were not only tolerated, but APPROVED, SANCTIONED and SUPPORTED.

HIBERN-ANGLUS.

2d October, 1811.

LETTER XIII.

IN JUSTIFICATION OF THE CATHOLICS, AND ON THE MOTIVES BY WHICH MINISTERS HAVE BEEN ACTUATED.

SIR,

THE variance of opinion, which heretofore has prevailed in the Catholic body of Ireland, has not been confined solely to the question of petitioning Parliament for ulterior relief. They have differed upon the language of their Petitions—upon the extent to which relief should be prayed or pressed—upon the time and mode of presenting their Petitions—upon the persons to whose conduct in Parliament they should be confided—upon the powers which should be entrusted to those, by whom their Petitions have in general been brought to England.—If such differences have subsisted in times, when the possibility of relief was remote; how much more likely must it have appeared to the most reasonable men that they might recur, when in their expectation, a Petition was likely to involve not merely discussion, but the actual adoption of a legislative proceeding.

I think, Sir, it will be admitted by candid and impartial persons, that it was advisable for the Catholics under such circumstances as a matter of prudence, if other considerations did not urge them upon grounds of necessity, to adopt a new mode in the conduct of their affairs. The importance of the questions likely to be agitated, as connected with concession to their claims, in the event of ei-

ther House going into a Committee upon their Petition—the temper manifested in the course of debates among themselves—the pertinacity of some—the violence of others—the precipitancy of former resolutions—the dissatisfaction of many respectable persons at antecedent divisions—the mode in which Committees had hitherto been constituted—the principles on which they had been accustomed to proceed in their instructions to those, commissioned by them with their interests in London—these, and many other considerations which I might state, were all of a nature to excite, in the minds of the most honourable and loyal men, the innocent desire of establishing a new and more perfect system; at all events of improving that which had prevailed, in the management of future Petitions.

What I have already stated would be a sufficient answer to the argument of Ministers and to those, who have been disposed to ask of the Catholics, Why have you not gone on in your accustomed mode? I have pledged myself, however, to meet every question fairly; and I am desirous, for the satisfaction of the public, as well as for my own honour, fully to discuss this point.

The inadequacy of the former system, even upon the slightest consideration, must appear obvious. The late Committee itself, against which Ministers have strained objections to the utmost, was the first to declare, if not its total incompetency, at least its reluctance to proceed under its existing constitution, in an emergency when emancipation might be considered as at hand; and when the management of the Catholic interests might require much prudential consideration and promptness of decision. Such Committees of the Catholics, as hitherto constituted, have been too numerous, and at the same time too limited—sufficiently considerable in point of number to occasion the inconveniences incidental to all public

meetings; but not established in a manner to give weight to their decisions, as expressing upon any controverted point of great importance the sentiments of the body at large—competent to withhold authority from those deputed to manage their Petition at the seat of Government—but not capable of investing them with powers, which it might be prudent and necessary to confer, and upon which it could be possible to act, as in the name of the Catholics, with certainty and effect; without the risk of being deprived of subsequent support—of subjecting their Parliamentary supporters to great embarrassments—of exposing themselves to personal mortification—of exciting also, against the whole body of their constituents, obloquy from their adversaries; and perhaps just reproach, even from their friends.

The Committee itself was sensible of this defect in December; and the aggregate meeting applied the remedy in July. Let it however be considered as a suggestion proceeding from the Committee, and the question still argued with reference to the Letter of Mr. Hay.

I regret that I have not in my possession, nor an opportunity of referring to the speech of the Irish Secretary in the House of Commons, on the occasion of that Letter. I will however venture upon a few observations respecting that Committee, which the Right Honourable Gentleman thought proper to asperse, calling it an “illegal assembly sitting in Dublin,” which even then he attempted, but was not able to suppress. That attempt was not pursued by the Catholics as it deserved, because it was despised. It appeared to many too contemptible; it had sufficiently in itself exposed the folly of the proceeding; its recurrence was not apprehended; and the most respectable Catholics were divided in opinion, as to the notice with which it should be marked. To many, and those of exalted rank, it appeared a more

dignified course to *let it pass*; not expecting, as a return for their forbearance, that they would have been complimented, as they have been, in a new and more splendid edition of the original performance, although in correctness but little improved.

It is not in the nature of man to part willingly with authority, and in elucidation of this remark I might advert to the spirit of tenacious adherence, with which the present Ministers seem inclined to cling to office. The Catholic Committee, however, appear to me to have pursued on this occasion an honourable, disinterested, patriotic course, entitling them more to thanks than to censure on the part of those, who ought to feel most interested in the welfare of Ireland. Unfortunately, however, the present Ministers are not of that description; since it has been and still continues the principle of their administration to oppose the claims of the people of Ireland; embracing every opportunity which may occur, and as it should seem almost seeking them, to deny their wishes, and to offend their feelings. They are strangers to the manners, to the character, it should appear almost to the history of that people; and whatever superiority they may affect, the Irish will not be disposed to concede to them the pretensions which they advance of understanding, better than themselves, the interests of Ireland.

Allow me, Sir, here to pause, and to bring before the consideration of your readers the difference of conduct which has been adopted towards Scotland, and towards Ireland, since the Union of each kingdom with England, or indeed during the last century. The progress of commerce and improvement of every description throughout Scotland, the augmentation of its population, and the religious harmony by which that part of the United Kingdom is so distinguished, whilst they do hon-

our to the industry and intelligence of its people, evince the wisdom of the policy pursued towards that country during the present reign; and it has proceeded in a peculiar manner under the auspices of his present Majesty. It has been fortunate, not only for Scotland but for the Empire, that his Majesty in early life and upon his first accession to the throne chose for his advisers, in the government of that country, persons in character and disposition widely different from those, who are supposed, through intrigues generally thought to have been practised about the year 1793, to have obtained and grossly to have abused the Royal confidence, in points regarding the affairs of Ireland. The persons consulted by the Sovereign in relation to Scotland, however unpopular in England, were those who had the interest of the country at heart. They tried not to poison the Royal ear with calumny against their countrymen—they wished not to perpetuate the animosities of former times, or to misrepresent the state of the country and the disposition of its natives—they preached not to the Sovereign the fear of losing the affection of one class, in a hopeless endeavour to obtain the good will of another;—but they sought to promote the welfare of Scotland and the honour of the Monarch by a system of conciliation, and by endeavouring to allay, not to foment, internal divisions. By acts of conspicuous favour shewn to the adherents of the unfortunate House of Stuart a sentiment of attachment was enkindled towards the family upon the throne, and to the Union; whilst by allowing natives of that country a certain share even in the administration of English affairs, the pride and ambition of Scotland have been gratified. With respect to the Scotch, it has not been sought in the executive department of Royal Authority to establish an inquisitorial tribunal, prejudging the tenets of their religious opinions; nor have the mass of

Scottish population been denied civil preferment, either at home or in England, because they will not submit to Episcopal hierarchy, or prostrate themselves before the altar of holy communion. Because they profess Presbyterianism, they have not been calumniated and reviled, as persons dangerous and disaffected—as levellers and republicans—with whom even the ordinary intercourse of society was to be shunned and suspended. They have not been reproached with the crimes, nor made to bear the iniquities of former ages—they have not been rendered the butt of Treasury hirelings—nor have persons, in proportion as they have manifested an inclination to load them with abuse and invective, obtained exaltation. The sins of the father have not been visited upon the unoffending child—he has been restored to the property of a rebellious ancestor—he has himself received honour, and found favour in the sight of Royalty.

The Scotch, Sir, have also been permitted to judge for themselves, upon all points connected with the interests of their own country. They have not been handed over, as persons incapable of conducting the administration of affairs, to English subalterns of office—nor have those, who never put their feet within its boundary, or witnessed its condition, *presumed* or been *allowed* to protrude their advice—nor have such persons ever yet ventured, *as upon Irish affairs*, to represent themselves better qualified than its natives to give opinions, and to decide upon the expediency of regulations for its internal government. There has existed, in this respect, in Scotland, a noble spirit of INTERIOR INDEPENDENCE, AND OF DECIDED OPPOSITON TO THE INTERFERENCE OF ENGLISH INTERVENTION, IN THE MANAGEMENT OF THEIR DOMESTIC AFFAIRS. If I mistake not, the hour is fast approaching *when the same spirit shall prevail in Ireland*—it may not please a Minister, who will frequently be

disposed to send young gentlemen, impertinent and troublesome at the doors of the Treasury, to Ireland, upon the same principle, sometimes, on which the poet in the play sends Hamlet from Denmark; but I am convinced that nothing will tend more effectually than such a spirit to cement the connection between these Islands. Let the SYSTEM of SCOTLAND, in the freedom of religious opinion and in many points of internal administration, be transplanted to IRELAND, and we may entertain no alarm for the permanence of a LEGISLATIVE UNION.

To return, however, to the conduct of the late Catholic Committee. They may have been intemperate, as I have already admitted, in speech—misguided in zeal—and mistaken in judgment. Their intentions, however, I am persuaded, have been honest. I am convinced that they have anxiously desired to promote the relief of their fellow-subjects from their remaining incapacities—that they have sought to accomplish that object only by lawful proceedings—and that, in endeavouring to obtain for the Catholics of Ireland a more complete enjoyment of political liberty, under the established constitution, they have wished to strengthen, and not to impair, the connection of the two Islands. Their conduct I think proves, that my impression is well founded. *They have a greater interest in the prosperity of Ireland than all the members of the present Cabinet can have, whether you consider them collectively or individually, or in their Ministerial capacity; they contain, in their number, persons of as sound intellect and of as distinguished talent, men fully as able, if not more competent, to judge what is expedient for the welfare of Ireland—and I hope the period is not arrived, as from the language of Ministers one would be inclined to think, when to know and to wish the happiness of that country is to be held a REPROACH, and objected as a CRIME.*

Sir, I never can, I never will, allow a subaltern of office to run down a body of respectable Gentlemen, because they may pursue a course which he may not please to approve. To those who from their infancy have been destined and regularly trained for official situations, no one is more inclined than myself to render all due respect; but as to those who have not received what I will call an official education—who have obtained their offices, I will not say surreptitiously, but unexpectedly—and whose attention may have not been drawn, at an early period of life, to the conduct of public affairs: towards such persons, I am speaking generally and not intending the slightest individual allusion, I feel the *reverse* of deference. I always *distrust* their judgment, and still more their information—they are of all men those who are most likely to go wrong, and to mislead others. The fair portion of respectable talent, which they may have previously possessed, immediately forsakes them.—They are lost and bewildered—blinded by their exaltation, they are sure to miss their way. They conceive themselves to be endowed at once, as it were *virtute officii*, with superior intellect. They believe that upon entering Downing-Street or the Castle, they are, *ipso facto*, inspired with divination. To seek information is no longer necessary—to consult, is to depart from the dignity of their official character. They are approached only by those who have an interest, if not in deceiving, at least in not *opposing* the turn of their inclinations—they are more than others exposed to be caught in the wiles of flattery—they are the last persons to whom credit is to be given, for accurately knowing or representing the state of affairs in Ireland. It has been reproached to the Catholics, that individuals have heretofore maintained, although they all declare in Ireland upon their oaths that it is *not* an article of their faith,

THE INFALLIBILITY OF THE POPE: but I am afraid we are too much inclined to believe in England the INFALLIBILITY OF OFFICE. The one opinion I reject; and against the other I PROTEST.

But, Sir, there are other reasons why Englishmen *should adopt with prudent caution, and not always implicitly receive upon credit, the assertions of an Irish Minister.* There will exist always in the minds of such Ministers a bias, leading them to discourage any political association or the meeting of Irish Gentlemen, whose firmness and intrepidity may be a check upon their conduct. They are, in Ireland, removed from that superintendence of public opinion, which obtains in England over their personal acts, or their measures of government. In England, the proceedings of Ministers pass under our own eyes—they are the subject of our conversation in society; of animadversions in the public prints; which circulate throughout the country, and are read with avidity in the remotest corner of the kingdom, exciting a general interest. How different in this respect, is the fate of Ireland! Who reads here an Irish newspaper, but when, fortunately perhaps for the discussion of Irish affairs, there shall arise a quarrel between a Secretary and a Committee? And how obviously is it the *interest* of persons in that office, (especially if disposed to acts of vigour and energy as they are called, or to carry things with a high hand, under an administration which does not possess public confidence, and is odious to the whole nation, from the principles on which it has been formed,) to put down *any* assembly of persons, disposed to canvass and expose their measures and deportment. I am not, Sir, partial to popular assemblies, as the means of government—steadily opposed to democracy; and I have always concurred in the opinion of Xenophon, that to democracy every respectable man who values the repose

of society must necessarily object, “ αἰεὶ τὸ βέλτιστον ἐναντίον τῇ δημοκρατίᾳ.” But I am fond, Sir, of public assemblies lawfully convened, for the purposes of fair discussion upon the conduct of public men and measures. We owe to them in a great degree the preservation of our liberties; and I can only say, that when they shall be suppressed, *and it shall be penal to publish in a newspaper a fair account of their debates*, the liberties of Englishmen will have ceased to exist.

These observations are necessary to promote, in an English reader, an impartial consideration of the question between the Irish Government and the late Catholic Committee. Had the members of that assembly been agitators, ambitious, disaffected, desirous only of defeating, and not of promoting the success of their claims (if it were indeed possible, that persons, from their talents, situation, and expectations, deeply interested in the success of those claims, should wish to defeat them) or if they were anxious only to retain a supposed ascendancy over others, it will be thought, I conceive, more natural, that they would have acted in a manner totally different from that which they have adopted. They would have arrogated new powers—acted at least on those which they held—and if they had lost the confidence or excited the disgust of those, to whom Ministers allude as concurring involuntarily in their proceedings, they would not have resorted to a plan, calculated only to give weight to a party in their own body, whom Ministers would represent them as wishing to overwhelm.

But, Sir, the idea that those who take the most active part in forwarding, are the least desirous of effecting the emancipation of the Catholics, is a proposition so extraordinary; that if it had not been advanced by persons holding really a rank in society, entitling their o-

pinions to respect, I should have dismissed it at once without an observation, and my remarks shall be few.

Throughout this discussion, it has been my wish not to animadvert upon individuals—to make no personal allusions—to comment upon the ideas of any single member of administration, only in such respects, as may attach on his official situation, or on his public declarations, or conduct; and however strenuously I may express myself, I have sought not to deviate from the freedom usually allowed in parliamentary debates, upon the measures or fitness of Ministers. I have wished to express myself in the language of a Gentleman, to the character of which I have some pretensions; not in the abuse of a demagogue, the popularity of whom I certainly neither seek, nor ambition. Had Parliament been assembled, these Letters would not have been written. I trust, therefore, after this explanation, I may be allowed to put this question, fairly connected with the matter at issue. Whom will the public conceive more naturally inclined in his heart to wish the *failure* of the CATHOLIC CLAIMS? Mr. O'Connel, a Gentleman whom I have already described to be of ancient family—of brilliant talents—heir to a large estate—in extensive practice at the Irish bar—in the present state of things precluded from all advancement, but who, in the event of emancipation, may reasonably look forward to the enjoyment of the highest honours in the state—or after the knowledge which we possess of his political views and sentiments so repeatedly declared, and upon the principles by which he originally obtained, and on which alone, from the decided tenor of all his professions, he can continue to hold his official situation—the FIRST LORD OF THE TREASURY? I have selected two persons, with whose names the British public are best acquainted—a PRINCIPAL LEADER

OF CATHOLIC COMMITTEES*—a PRINCIPAL OPPONENT OF CATHOLIC CLAIMS—and the head of the PRESENT ADMINISTRATION.

To conclude this Letter. I have, Sir, I trust sufficiently established, that there existed a necessity, on the part of the Catholics, from circumstances existing within their own body, to establish a new system for the future management of their Petitions. The enlargement of the Committee, as proposed in the resolutions of the last aggregate meeting—supported by the Earl of Fingall, and the most respectable among the Catholic community—has been acceptable to ALL PARTIES; and it has appeared to them the only means of terminating for ever differences, which have existed among themselves—which have been injurious to the success of their claims—which they all regret, since *they are all anxious to promote that success, (and truly woful to the interests of England, will be the moment, when the people of Ireland shall be indifferent upon such a question,)* differences the recurrence of which they have all been desirous effectually to prevent. Hibern-Anglus will claim superiority over Marcus, in all that relates to information upon the sentiments which actuate the Catholics of Ireland; although he will not

* I have mentioned this Gentleman, because he has concurred with the Corporation of Dublin, at an aggregate meeting of that City, respecting a petition for the repeal of the UNION. Will not the British public see that the continuation of Catholic restrictions, necessarily leads Catholics to join with PROTESTANT ANTIUNIONISTS? I always foretold that the cry of "NO POPERY" in England would be answered from the opposite shore, by the yell of "NO UNION." It will come in "loud surges,"^a if the Ministerial prints continue to charge *disaffection* upon those, who think Mr. Pitt's measure an experiment which has failed, and that the connection of the two kingdoms can be preserved better by a FEDERAL, than by an INCORPORATE UNION. The time is past in which THE PEOPLE OF IRELAND will submit to be instructed by the Treasury Prints of ENGLAND, or by the rhapsodies of puritans in PARLIAMENT.

dispute with Marcus the most intimate knowledge of the views and motives of the present CABINET. He will, however, assure Marcus, that the Catholics of Ireland will not be deluded by *such a Cabinet*, into any forbearance of their claims, or to depart from the course which they have chosen to pursue. Nor will the *most subtle diplomatist of such a Cabinet*, obtain with them credit, under any specious intimation or even the most SOLEMN ASSURANCE.

The Catholics, Sir, have therefore wished to collect the general sense of Catholic proprietors, upon all points connected with the prosecution of their claims. They could adopt no means to collect that sense, but by calling upon the counties of Ireland to name persons in their confidence, through whom their sentiments might be accurately and authoritatively conveyed. The general sense of each county could not be ascertained, but by the nomination of many individuals. The parties nominated are Gentlemen of landed property, of great respectability, many of them conspicuously distinguished by the loyalty of their exertions. They have been chosen, not by the rabble, but by proprietors; and what one would have conceived would have *removed*, instead of *constituting* an objection, and have been thought an antidote to *any latent spirit of democracy*, if any existed, the whole body of the Catholic aristocracy, including the Catholic prelates, to whose conduct and character I have already done justice, have been incorporated with this assembly.

Such, Sir, is the Catholic Committee, or if you will CATHOLIC CONVENTION—such are the persons of whom Ministers have proclaimed that the proposed assembly must necessarily and *directly* endanger the peace and tranquillity of the State—against whom they have denounced all the vengeance of the law—whom they have

called upon the Magistrates of Ireland to put down—whom they have directed the conservators of the peace to apprehend, together also with their constituents; as *if they had prisons to contain the whole population of Ireland*, or in the plenitude of their power, could call up a new island from the deep for their incarceration. They claim, Sir, indeed, authority of new and undefined extent—powers unlimited, and before unknown—to be Lords Paramount of Irish creation—and their contemplation exceeds in boldness the eagle's flight, towering round their high dominion. For volcanic exertions I will give them credit—Neptune himself could not, like they have shaken Ireland to its very centre—nor Ætna deluge the country with more fiery lava. But I deny that they are gifted with the spirit of prediction. *There*, Sir, they are deficient, and false in all the prophetic visions of their fancy.

The result of the elections has shewn the total ignorance of Ministers, respecting the views in which it has been resolved to convene this assembly—now nearly constituted—and which speedily *WILL MEET*. The Ministers, indeed, assert, that in convening this assembly the Catholics “have DARED the Government and “the Law.” The Catholics reply, that “the Government have DARED the Law, and therefore they DARE “the Government,” and they retort upon Ministers the words of their own accusation, in the vindication of their own proceedings. Whilst conscious of acting consistently with the law, they will not acknowledge any right whatever of interference in the management of concerns which are their own, on the part of hostile Ministers, especially of those who claim to be above the law, and who are not disposed “to apologise for any “breach of law,” although they should have invaded the most sacred right of the subject, and transgressed

the fundamental statutes of the realm!!! But the Catholics strenuously protest against the doctrine, that because an Administration, influenced by unfounded prejudices or interested motives, have the weakness to commit themselves by an illegal proceeding, in an attempt to defeat the success of their claims; they are, therefore, as required with astonishing assurance in the Letters of Marcus, in order to palliate the errors of such Ministers, to abandon at once resolutions, which they had formed as advantageous to their cause, upon the most wise and mature deliberation!!!

With reference also to the proposed elections, “the argument of Ministers,” as in all other instances, has assumed every thing and proved nothing. It takes for granted, that the members proposed to be added to that Committee are to be persons turbulent and seditious. On what ground has this been assumed, and on what foundation can it rest, but on the supposition, that the majority of Catholic proprietors are rebels in their hearts—hostile to that Constitution which they have sworn to defend, and in the prosperity of which they have such an important interest?

Observe, Sir, in this respect, the tendency of the Ministerial argument—its want of candour, or its total inconsistency. It affects to charge disaffection only on a few whom it alleges to be “notoriously adverse to the connection of Great Britain.” The print through which the Letters of Marcus have been conveyed, recently states its *tranquillity about Ireland*, in case of invasion by the French, from the *general and known loyalty* of the Irish nation. Whence, then, is the alarm of Ministers affected in their argument? The Catholic proprietors; upon the statement of Ministers themselves, must be *against* the *few* whom they accuse; and, therefore, an appeal by these few to the general or more prevalent sentiment, would be the

last step to which such men would have resorted, as being calculated effectually to defeat their machinations. Emancipation, we are told, is not their object. Then why should they pursue it with such eagerness, and call the attention of the whole body to the chase? If hostile to a connection with Great Britain, why engage the exertions of the Catholics to obtain a further participation of the British Constitution, under the system of a *legislative* Union, and thereby endeavour to promote their attachment the more strongly to the Constitution, which, under *that* mode, many honourable persons certainly disapprove, who are anxious for the existence of connection itself under a federal system, thinking it more beneficial to the two countries, and more likely to bind them in true affection and mutual co-operation; but which persons accused by Ministers wish, as it is pretended, absolutely to destroy and dissolve, seeking to accomplish TOTAL SEPARATION? Is it thus meant by Ministers to insinuate, or have they let slip unwarily *an important secret*, that THE MAJORITY OF THE PEOPLE OF IRELAND ARE ADVERSE TO THE UNION? Then how can it be possible to continue it but by force of ARMS? and if they call upon the people of England to support them in so terrible and bloody a conflict, as under such circumstances it must prove, should it unhappily be excited by the rashness of men, who have even *volunteered* their aid to oppose the plans, by which alone it was thought practicable by those who proposed the Union, to complete the measure and ensure its promised advantages; shall we not only think ourselves entitled but bound to exact from Ministers, UNDER THE AWFUL RESPONSIBILITY WHICH THEY HAVE ASSUMED, UNDERTAKING AS THEY HAVE DONE THE GOVERNMENT OF IRELAND ON PRINCIPLES CONDEMNED BY THE UNANIMOUS AND GENERAL VOICE OF ALL DISTINGUISHED STATESMEN, A MOST RIGOROUS AC-

COUNT?—Shall we not call for a knowledge of the steps which they have adopted, during an administration nearly of five years, to *conciliate* the people of Ireland, and to promote their *attachment* to the Union? Are Ministers disposed to stand their trial on this point? Are they prepared to justify, on *constitutional grounds*, the system which they have pursued, and the advice which they have given, or to give which they have OMITTED and DELAYED; but for which omission or delay the Constitution views them, holding as they have done their offices, equally RESPONSIBLE?

These, Sir, are questions which arise upon the Proclamation, but especially upon the statement of Ministers themselves, in vindication of their own proceedings. How will they answer them, or how will it be possible for Ministers to extricate themselves from the dilemma in which they are placed by their own arguments? They either think in their hearts, what they choose not to avow in their words; (in which case, they would be liable to a mixed charge of prejudice and duplicity) or they must be deemed guilty of an endeavour to impose upon the people of Great Britain, by a foul deception. That they are alarmed, Sir, I verily believe, but the real nature of that alarm they have not disclosed. They are terrified at the loss of their own power—not at any danger which menaces Ireland, from the approaching assembly. They have gone too *far* in opposition to the Catholic claims, to be able now to recede from their declarations, still fresh in the public recollection. They cannot, in consistency, without a total abandonment of character, propose what they have lately so scornfully rejected.—The Catholics would also scorn a boon offered by such hands—they could place no confidence in their assurances—they could never co-operate in cordial communication—and the proposal of emancipation through such an admini-

stration, which *from such Ministers* could only proceed from the effects of their weakness, extorted by fear or from motives more reprehensible, would complete what they have already prepared—the degradation of government itself. The Catholics of Ireland contend not for victory, they only seek justice, and a settlement compatible with the dignity and respect of all parties concerned. This, Sir, the Ministers have well anticipated; and they have now no resource, but to indispose the public mind of Great Britain, by exciting prejudice and vain imaginations of danger, which, if it exist, they have themselves created, by the blind rashness of their own deportment. The fears of Ministers only regard the establishment of a new system in the future management of the Catholic affairs, by which they foresee the Catholic claims will be brought before the Legislature with coolness, temper, judgment, preparation, decision, and unanimity, upon all the points on which the controversy has hitherto turned; and which will defeat all the little pitiful sophistical tricks, by which it has been hitherto sought to oppose measures, by which alone the true political consolidation of the two islands can in reality be established, and without which, the act of Union is a mere piece of useless parchment. They dread the moment in which the justice or propriety of Catholic emancipation (I shall never, Sir, argue the question, either with Ministers, or with Catholics, upon metaphysical, quibbling, and *dangerous* distinctions, between abstract right, and political expediency) SHALL BE ACKNOWLEDGED by the IMPERIAL PARLIAMENT—and they know that the hour in which the eyes of the British nation shall be opened to the fatal delusion in which they have been entranced, will witness the downfall of an Administration, formed upon principles of oppression—an Administration, that abroad has sacrificed the resources of the

State, in fatal and fruitless expeditions which, however valorously led by our Commanders, where Ministers have been concerned have been conducted without plan or combination, and which at home has been devoting its cares only to the promoting of religious animosities, and to light up the flames of dissension in the most vulnerable parts of the Empire.

Such, Sir, is the ALARM OF MINISTERS; and it may be the ALARM OF OURSELVES, that their rashness and imprudence, especially should they be allowed to meet Parliament in official situation, may excite to violence the temper of a people susceptible of very accute feelings, who, unmolested and indulged, or to use a truly English expression *let alone*, would have been peaceable and quiet. Excuse, Sir, the homeliness of the preceding sentence; but, perhaps, it may tend more than any attempt at oratory, to describe truly and intelligibly the imprudence of the present Ministers, and their incapacity to conduct the affairs of a great nation. They have chosen wantonly to offend the whole body indiscriminately of the Irish Catholics—a body one of the most numerous, respectable, and powerful, in the Empire, and the more formidable, as from the geographical situation of the country it is the more concentrated—a body which constitutes a considerable part of our military and naval establishments, as well as the great majority of the Irish nation—a body growing in riches, and to whom with the prosperity of their country, the far greater portion of its wealth must speedily and necessarily devolve. Such a body have Ministers aspersed. Without the shadow of necessity or plausible excuse, they have molested them in the peaceable exercise of their Constitutional privileges—and they have attempted, but in vain, to deprive them of what they hold to be their LAWFUL AND UNDOUBTED RIGHT. Against such a body, by a new juridical expe-

riment, they have endeavoured to prefer an indictment, upon which they have sought to convict the whole nation of HIGH MISDEMEANOURS.—This they have done; but let them beware that on the part of the same body, with a petition for Catholic emancipation, it may be answered by a petition of millions, on behalf of the same nation, for their IMPEACHMENT. They will not have been the first Ministers, whose conduct towards Ireland has brought them to the bar, and they may be the LAST. I have asked in a former Letter whether the sense of Ireland, respecting the present Ministers, could be mistaken, and whether they will wait until it be more *expressly* DECLARED?

I remain, &c.

HIBERN-ANGLUS.

7th October, 1811.

LETTER XIV.

A JUSTIFICATION OF THE CATHOLIC PROCEEDINGS, AS WARRANTED BY THE RECOMMENDATIONS OF THEIR PARLIAMENTARY FRIENDS.

SIR,

HAVING shewn, I trust satisfactorily, in my last Letter, that the Catholics of Ireland were justified by circumstances notoriously existing within their body, in assembling this convention, I shall now advert to other collateral considerations, tending to establish the necessity of that measure.

It would be sufficient for me to state, that Lord Grenville in his Letter to the Earl of Fingall had himself adverted to the fact, that the Catholics of Ireland could express their sentiments through no common organ. Such, I believe, are the expressions used by his Lordship; I have not, indeed, an opportunity of referring to the publication itself, but unless my memory fail me egregiously, his Lordship in that Letter calls upon the Catholics, when the period shall arrive for a settlement of the question, to collect and communicate their doubts and their difficulties, their wishes and alarms upon all points which may arise, to the consideration of Parliament.

The Catholics would be justified by this invitation alone, in all that they have done; and any thing short of what they have done, would be ineffectual to accomplish the conformation of such an organ, by which they could express, as desired, upon the matters connected with an ultimate arrangement, the inclination and will of the Catholic body.

Upon the point to which the Letter of Lord Grenville principally related, I propose not to enlarge. Whether the measure in dispute be necessary, or if necessary can be made available to the security of the State—whether it be detrimental or advantageous to the Catholic Church of Ireland, as leading to a dangerous controul, or tending to prevent the more serious mischief of secret influence and intrigue, in the election of her future Bishops—whether the State be entitled, in fairness, to require concession in a matter of ecclesiastical regulation, as the consideration of relief granted to the Catholics from their incapacities, or have a right, in virtue of its supremacy in temporal concerns, to interfere as to the persons by whom spiritual functions shall be exteriorly exercised, although it has clearly none, with respect to the functions themselves—whether it be wise to introduce any change in the existing system, or the Catholics have any reason to be alarmed at any change, for the safety of their Church—these are questions which upon this occasion I shall not discuss*.

I feel myself, however, compelled in justice to the Noble Author of that Letter to observe, that after what he had been induced to state upon this subject in the House of Lords, on authority which had every claim to credit, (but an authority of which I will say, that if deceived itself in Ireland, it has been more deceiving in England), I do not see how his Lordship with honour to himself, and with advantage to the Catholics, at the time and under the circumstances proposed, could have moved the Catholic petition. Upon a calm and dispassionate review of his whole deportment upon this occasion, I can discover in Lord Grenville nothing indicative of any thing

* The matter is fully discussed in the notes to the Memoirs upon the Catholic Question.

but the most kind, and I will add affectionate, regard to the interests of the Catholic body, testified both in the resolution itself, and in the time and mode of the communication. The resolution, in itself, was calculated to promote their true interest, by screening the Catholic body from bitter animadversions, on the part of their adversaries, to which the presentment of a Petition, under such circumstances, was calculated to expose them; and the communication was delayed until the last moment: not made until after all expectation, so naturally entertained, had ceased, that the Catholics would depart from a determination which, however wise and expedient on their behalf, was certainly adopted under circumstances of great precipitancy, in a moment of ferment, and contrary to the avowed opinions of individuals, entitled to respect, among themselves. To have consulted Lord Grenville, after the part which his Lordship had taken in their affairs, would have been complimentary—to have apprised him at the time, and by a formal communication of the resolution by which it was proposed that the Petition should be presented through his Lordship, was required upon principles of ordinary politeness, and would have been consistent with the course of regular proceeding. This was not done; and if Lord Grenville has not complained of an inattention, which perhaps never was before shewn to a Nobleman in his situation, the Catholics have no reason to be offended that he should have expressed his motives for declining a course, which exercising conjointly with all his friends a sound and deliberate judgment upon the state of the public mind in England at that period, and on the effect likely to be produced by the late resolution of the Catholics themselves, they did not think conducive to the Catholic interests.

Lord Grenville, Sir, is the friend of the Catholics, tried and approved; but I am not aware of the grounds,

on which the Catholics are entitled to claim against his Lordship, or to consider a Nobleman of his high consideration in Parliament and in the State, as a servant subject to their commands, or the blind follower of their will. To Lord Grenville I conceive the Catholics under the most important obligations—to the zeal of that Nobleman, to his exertions, intrepidity, and sacrifices in their cause, they are indebted in a great measure for its importance in the eyes of Englishmen, and for the respectable and numerous suffrages which they have obtained in both Houses of Parliament. Ingratitude has never been the reproach of Irishmen, and, I trust, it will not be imputable, upon an occasion when thanks appear to me most due, for the most strenuous exertions and important sacrifices in their behalf. I firmly believe, Sir, Lord Grenville to be the steady, sincere, disinterested friend of the Catholics; and from the most noble of motives, the conviction of his enlarged and comprehensive mind upon the expediency of the measure, which he has so repeatedly urged. I am not to be told that he entered into office without proposing that measure, or making it a condition of his accepting the government. Mr. Fox, if it be a fault, was equally guilty, but both were equally innocent. THE MEASURE COULD NOT BE ACCOMPLISHED. Can that, after what we know, and have since witnessed, be *doubted*? Will the *present Ministers*, with their knowledge of circumstances, tempers, and parties, venture to charge their forbearance, upon entering office, as a reproach? Will they assert upon their honour a belief that it could have been pressed, in a moment of great nervous agitation, as a preliminary condition, without an apprehension, if not the certainty, of consequences, at which *humanity* as well as loyalty would revolt? Under such circumstances, what was the interest of the Catholics themselves? That their

friends should adopt the line of conduct which they actually pursued. They entered upon office—and they quitted it, because they would not commit their own honour, or the Catholic interests. They would sign no pledge; and in expressions, perhaps too forcible, they claimed a right, or rather declared, as honest men, what they conceived the duty towards a British Sovereign of British Ministers, the obligation at all times of offering such advice, as circumstances might induce them to think expedient for the welfare of the Empire.

Their expressions on that occasion, we must recollect, were garbled in a surreptitious and *indecent* publication of a cabinet minute. They may be thought too strenuous—they are not, perhaps, to be found in the vocabulary of courtiers—but it is easy to believe that the objectionable word * could have been introduced only inadvertently, and still more easy to excuse that inadvertency, where accompanied by an actual surrender of their own opinion to the will of the Sovereign. Englishmen will not be severe on those Ministers who, at the moment when they complied with the wishes of a King, did not forget, but ventured to remember, their duty to their country, and even to the throne itself.

They were frank also with the Catholics—the natural candour of Mr. Fox carried him even, perhaps, beyond the bounds of what many might think prudence; but the

* “Insist.” Another certainly might have been adopted; but if Administrations are to be removed only for an expression, what can be the stability of British Government? The Crown may have *servants*, but the State will not have *Ministers*. As to the abandonment of the Bill respecting military service, the writer of these Letters can undertake to declare, that the measure was relinquished only after consultation with Catholics upon the spot, in London, deeply interested in the success of the Catholic claims, strenuous advocates of their rights, and who, in consequence of the opposition made to that proceeding, were the most urgent that it should not be pressed.

error was pardonable, much more so than the error of a few among the Catholics, who, with good intentions, but most mistaken judgment, would not allow a Letter of Mr. Fox to be read, still less to be taken into consideration at a public meeting; although the meeting was held for the purpose of considering what steps they should pursue; and the Letter was addressed to one of their fellow-citizens, whom but a short time previously they had honoured with their confidence and sent to London, as one of their representatives, in which character alone Mr. Fox had become acquainted with the Gentleman, to whom I have alluded. The same persons, also, were not satisfied with disallowing the Letter to be read, but they passed resolutions to bind the hands of Catholics from writing, and to tie up the tongue from speaking with any Minister, dictating even almost to Ministers themselves with whom they should communicate circumstances delicate in themselves, not proper to be divulged generally but only to select individuals, and requiring strict confidence and profound secrecy. The same persons went further, and by a determination to bring on a discussion of their claims, in opposition to the candid advice contained in the memorable Letter of Mr. Fox, had only the satisfaction of breaking up the administration of their friends, and of elevating to office their most inveterate foes, as foretold by Mr. Fox even in the first moments of his accession would be the case, if the question should be pressed.

I will defend, Sir, the Catholics, but I will defend also their friends, when unjustly accused, against the Catholics themselves. I would defend even the present Ministers, if in the whole course of their administration, as connected with the Catholics, I could find one solitary instance of liberality, condescension, or even decency, in their political deportment towards that body. Do not all these circumstances then, tend to demonstrate the pru-

dence and necessity of establishing, on the part of the Catholics, a new system in the conduct of their affairs, particularly in a moment when they had reason to expect that they should find again in official situations those, who had been expelled in a great measure by the imprudence of some among the Catholic body. I am satisfied, however, that those to whom I allude have been the first to regret their errors in this respect, and also most solicitous to prevent their recurrence.

I beg leave to repeat, that upon the necessity or propriety of what is called the veto, or of arrangement respecting the future election of Catholic Bishops, it has not been my intention to offer any opinion, beyond what I have expressed in a former publication. I have only felt myself bound, in candour, to render justice where I think it due, and to remove a prejudice which I conceive to be not only unfounded, but to have originated principally from the dark intrigues, the malicious insinuations, and the scandalous detraction of an individual, whose conduct is now sufficiently known and developed by his own publications, but who, I am sorry to say, holds, in England, the rank of a Catholic Bishop in the sacred orders of the Church. He will, however, no longer be allowed to interfere in the affairs of the Irish Catholics, with which, indeed, from the beginning, he ought to have had no concern.

Whatever may be the opinions of Earl Grey and Lord Grenville upon this important point, (and it must be recollected that they were advanced principally to obviate difficulties near the throne, with a view to the accomplishment of an arrangement previously to a recent calamity, by which the predicament of the question is materially varied) of this I am convinced, that in the sittings of the approaching assembly, containing a representation of all orders among the Catholic body, any plan which may

be suggested will be received with that consideration, discussed with that temper, and decided after that mature deliberation, suitable to the dignity of an assembly which, in defiance of any sneer from the Treasury prints of England, I will venture to call AUGUST.

Sir, The meeting of that assembly will form a MEMORABLE EPOCH in the ANNALS OF HISTORY: It will not be an encampment of ferocious and steel-clad Barons, wrestling from a tyrant Sovereign, with spears and javelins at his throat, A GREAT CHARTER on the plains of Runnymede—it will not be a congress of bold and determined warriors, deliberating in regimentals, amid the din of arms, and rescuing from national usurpation INDEPENDENCE at Dungannon—it will be a meeting of distinguished Nobles, of venerable Prelates, of learned Jurists, of heads of ancient families, of respectable and wealthy citizens—persons ENJOYING THE CONFIDENCE, AND REPRESENTATIVES OF FIVE MILLIONS AMONG HIS MAJESTY'S SUBJECTS, CONSTITUTING THE VAST MAJORITY OF IRISH POPULATION, assembling in charity with those among their fellow-subjects of the Protestant communion, and not only in THE PEACE, BUT UNDER THE SECURITY OF THE LAW; convened for less brilliant, but in the calm view of mild philosophy, more NOBLE EXPLOITS—not to extort, but to petition—not to exact, but to solicit—not to form a new compact, but to ratify one previously existing—to co-operate with a willing Prince and willing Parliament, in completing a more glorious achievement—the establishment between two great and powerful nations, bound in allegiance to one common Sovereign, and by a common interest to support his Imperial throne, of FINAL CONCORD, LASTING UNION, AND PERPETUAL PEACE.

I remain, &c.

HIBERN-ANGLUS.

10th October, 1811.

LETTER XV.

THE CATHOLICS JUSTIFIED BY THE REQUISITIONS OF
MINISTERS THEMSELVES.

SIR,

IN the preceding Letter I endeavoured to vindicate the conduct of the Catholics, as justified by the recommendations of their Parliamentary friends; I shall now proceed to establish the propriety of the proceedings which they have adopted, by referring to the deportment of Ministers themselves. They are the last persons entitled to complain, that the Catholics should have adopted a course, rendered necessary even by their own requisitions.

To any man endowed with a comprehensive mind, and who will consider the nature of a Catholic petition, it must be obvious that a settlement on the part of Parliament with the Catholics, is a matter, as I have expressed myself in a former Letter, of very complicated and very delicate arrangement. According to the arguments of Ministers themselves, on former occasions, such a settlement involves the consideration of mutual claims, of mutual concession, and the repeal or modification of many important statutes, a numerous list of which may be found in the Works of the Right Honourable Dr. P. Duigenan. Whatever difference of opinion may pre-

vail, with respect to mutual concession, all must agree, that a Catholic Petition cannot be compared to an application to the Court of Chancery for the appointment of a guardian, or to the House of Commons for a road bill, or for enclosing a common field. Even, on such occasions, much consultation and communication with the parties interested are required; but how essentially necessary must they be considered, at the time when Parliament shall think proper to entertain the consideration of a Petition that concerns the interests of the great majority of the people of Ireland, the prejudices of the people of England, and the repeal of laws which, however erroneously, have long been considered necessary to the support of the Constitution, in what is called the Church and State.

Is it enough that such a Petition should be simply voted by the Catholics, and transmitted to Mr. Grattan, by the Earl of Fingall, as a more honourable and distinguished bag-bearer than the guard of the mail-coach, but without greater authority to sanction any statements in Parliament, upon matters connected with the petition—to pledge the Catholic body to an acquiescence in what may be thought by the State a necessary concession—to consent to any modification of the relief sought by a Petition—or to suspend the pressure of any part of the claims which it may advance? Is this the extent of what Ministers understand to be “the undoubted right of the subject to petition,” expressly secured under the provisions even of the Irish Convention Act?

I will not, however, solicit of the present Ministers any consideration for the Catholics of Ireland, but I will demand of them due respect to the dignity and accommodation of the Imperial Parliament. I will, therefore, ask whether the Lords and Commons in both Houses are to be deprived, by a construction on the part of Ministers of

the Convention Act, of all means through which they may be enabled to obtain explanations from the Catholics of Ireland, or to derive assistance from their suggestions, in the framing of those acts which they may in their wisdom think it expedient to enact, not merely for the gratification of the Catholics, but even of the Protestants of Ireland—for the security of the Protestant Church itself—and for the general welfare of the Empire? Are the Lords and Commons to be debarred from the possibility of learning authoritatively the sentiments of the Catholics—and are the Catholics to be also debarred from any opportunity of communicating with the Lords and Commons, but through formal Petitions, bearing the signatures of millions? Is each House of Parliament, upon every point that may arise, to adjourn its deliberations, and postpone its proceedings, until aggregate meetings can be convened of all the counties and cities of Ireland? And is it possible for any deputation of Catholics to pledge themselves to Parliament, or to co-operate with its members, unless they shall be made the depositary of the *wishes* of the Catholics, acquainted with their *wants*, and enjoy *their full confidence*? Can such a deputation be established unless elected, delegated, or appointed either by the general suffrages of the Catholic body, or by those whom the body may, by similar means, have entrusted to act on their behalf? Do Ministers also conceive, that the Irish Parliament, in enacting the Convention Act, *meant to deprive itself of all means by which it might communicate, at any time, in an effectual manner with the Irish nation*? Or will the arrogance of Ministers lead them to prescribe to Parliament, and to dictate to the Legislature itself, declaring that it never shall take into consideration the grievances of the great majority of the people of Ireland?

These questions, Sir, I venture to propose to the con-

sideration of every man accustomed to the common routine of public business, as deciding in themselves the controversy; and the necessity by which they are occasioned evinces the narrow comprehensions and incapacity of those, to whom the administration of public affairs is at present entrusted.

But, Sir, let us consider the deportment of Ministers themselves. Whatever may be my ideas respecting the propriety or expediency of former Petitions to Parliament, it will not be denied that the turn of debate, on each Petition, has elucidated many very important points. Objections have been stated and canvassed. On the part of Administration, the argument has not turned solely upon general and fixed principles. The party in power, opposed to ulterior concession in favour of the Catholics, have always been divided, as to the grounds of their opposition. Some have argued with respect to time and existing circumstances, others have holden out expectation at future periods; all have concurred most injudiciously in cavilling at the conduct of the petitioners. It was first objected that the Petition was not signed by any of the Catholic clergy; then, that it contained the sentiment only of a small portion of the Catholic community. Upon the discussion of the third Petition, it was objected that it contained no offer of ecclesiastical arrangement, with respect to the future appointment of Catholic Bishops. This, Sir, will not be denied, and nothing I submit can more plainly demonstrate how preposterous is the conduct of Ministers. They investigate minutely every expression contained in a petition of the Irish Catholics—they call for explanations, qualifications, assurances, and spontaneous concessions, upon difficult, important, and most delicate points—they expect five millions of persons to act with unanimity, and, at a moment, as individuals; and yet they denounce as a crime,

any attempt, on the part of the most respectable characters, to *ascertain* in order that they may *express*, the general sentiment of their body!!! The same persons who require such exactness and precision on the part of the Catholics—who have made England ring with alarm at the idea of the most trifling concession—who raised a cry that the Church of England was endangered, by acts *to which they have themselves resorted*—who magnify, on all occasions, the difficulty of acceding to the claims of the Catholics—the same persons declare a Catholic Petition “TO BE THE SIMPLEST OF PRAYERS,” and charge against the Catholics, because, at their own instigation, to meet their own scruples; to remove their own objections, real or pretended; and to discover how far they may be able to accomplish an adjustment of a great national question, upon a principle of mutual concession, they have resorted to the only practicable means, by which it could be possible to ascertain the sentiments of the Irish nation—that they have “ADOPTED A COURSE PERFECTLY UNNECESSARY FOR THE AVOWED AND LEGAL OBJECT OF A PETITION, and dangerous to the PUBLIC TRANQUILLITY!!!”

If the course adopted by the Catholics be dangerous to the public tranquillity, the danger has been created by MINISTERS THEMSELVES, who also have occasioned the necessity of this measure. The matter, Sir, is not a party, but a NATIONAL QUESTION. Ministers have called, in Ireland, for an expression of the NATIONAL WILL, and through a constitutional proceeding, and, as I contend through an organ also legal and constitutional, they will be enabled to ascertain what *is*, upon this point, in Ireland that NATIONAL WILL. They have wantonly called up THE SPIRIT OF ERIN—and it hath *appeared*. If terrified at what they behold, they have to blame their own rashness. It has been excited solely by the incantations of

their own folly. Why have they invoked it? What could it tell them but misery, the loss to them of domination, and their political EXTINCTION?

I remain, &c.

HIBERN-ANGLUS.

17th October, 1811.

CONCLUDING LETTER.

* * A few copies of this Letter have already been published with the following Preface.

The following pages were originally commenced with the view of concluding a long series of Letters, on the late proceedings of the Irish Government, some of which have appeared in the Morning Chronicle, under the signature of HIBERN-ANGLUS, and with others will be speedily published in another form. The matter to which the present Letter relates is of such importance, that the Author has not wished to delay its publication; and he has thought it a due respect towards the public to declare the name of the person, from whom it has proceeded.

The question of Catholic emancipation may possibly be thought to be exhibited, on this occasion, in a point of view different from that, in which it has hitherto been presented or contemplated; urged, perhaps, more forcibly than in former arguments on the subject, proceeding from the same person. The writer, however, is convinced that he has placed the subject in the only light in which, under recent circumstances, it can be considered, by any who have pretensions to the character of Statesmen. He also knows that he has only faintly expressed the sentiments and reasoning, which at present prevail in Ireland. If there be thought any inconvenience from the discussion, it must be attributed solely to those, whose management of Ireland since 1801, aggravated by their proceedings in a moment of more free agency in 1811, have brought affairs to a point, in which they may have rendered the immediate concession of Catholic emancipation of absolute necessity, in order to obviate an application on behalf of Ireland for a repeal of the ACT OF UNION.

In 1782, a Noble Lord (then Mr. Eden) surprised the British House of Commons with information respecting the necessity of immediate attention to the state of Ireland, and of gratifying "THE FIXED PASSION OF THE COUNTRY." The mode of communication was thought objectionable; but the necessity of adopting what he recommended was admitted; and by the Administration of that day, although so recently established, it had already been anticipated.

Satisfied that even a more urgent necessity prevails in the present moment, the publication of the present Letter has been accelerated. From those who may be disposed to peruse it, the Author has only to request that they will favour it with attention, deliberate and unprejudiced, pronouncing on it no precipitate or premature judgment. He has endeavoured to shew that Catholic Emancipation was necessarily involved in the

transactions of Dungannon in 1782, and essentially connected with the principle then established—that the evils which, since that period, have occurred in Ireland, have been occasioned solely by the attempts made previously to the Union to defeat the operations of that principle—and that whilst the connection of the two Islands was exposed to imminent danger by those attempts, it has subsequently been increased by the disappointments experienced since 1801, but especially by the proceedings of the present Ministers in 1811.

He has endeavoured also to shew that Catholic Emancipation is not a religious but a political controversy—the question not of a sect, but of a whole nation. The cause impelling the Irish nation is, and ever will continue stedfastly the same as it was declared to be in 1782, “THE FIXED PASSION” of political consequence, or what they consider, and describe, NATIONAL LIBERTY. There is only this difference between the state of things in 1811 and in 1782. The cause of Ireland in 1782 was strong in arms; it is in 1811 with the increased wealth and energies of an improved country, more powerful in the support of national sentiment. In the struggles of 1782 the majority of the nation were spectators: they are in 1811 principals supported strenuously in a common cause by that interest, which took the lead in 1782—and even then succeeded. Such is the present political state of Ireland.

To have gratified the passion of Ireland, to have secured the interests of England, and to have prevented all future questions between the two countries, was the object of Mr. Pitt, in proposing a Legislative Union. He was not allowed to prosecute his plan. Matters have since gone on. Ministers have indulged, as they thought in security, their intrigues, their prejudices, and their spleen; but the consequences long since foretold, are now likely to be realized. The moment has arrived, when the Legislative power having become more free, the people of Ireland press with energy their claims; a nation degraded, outraged, and insulted, has assembled legally and constitutionally to obtain the fulfilment of those assurances, under which alone they were induced to support the Union, and the dismissal of those, who have sought to impede them in the exercise of what they hold to be their indubitable and unalienable rights.

OCTOBER, 1811.

UPON THE NATURE AND EFFECTS OF THE LEGISLATIVE
UNION OF IRELAND WITH GREAT BRITAIN.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,

IN concluding this discussion I shall not only be allowed, but perhaps expected, especially after what I have stated in former Letters, to make a few observations on a subject of extreme importance, and of considerable delicacy, the PRESENT STATE OF IRISH AND BRITISH CONNECTION. To avoid an examination of the subject is impossible. On the part of Ministers it has been associated with the question of Catholic emancipation—with the question of the Catholic convention—they have even attempted to make it the subject of a CRY, and to excite new delusion in the public mind of Great Britain, by denouncing the opponents of their infatuated ideas and rash proceedings in the government of Ireland, under the deno-

mination of SEPARATISTS, as persons hostile to British connection. This circumstance alone would be a sufficient apology, if any were required, for the considerations, on which I propose to enlarge in this Letter; but those, whom I have endeavoured to vindicate in the preceding pages, are also themselves alarmed, impressed with the most serious apprehensions, that the connection has been exposed to imminent hazard by the late proceedings of the Irish government.

Ten years have now elapsed since the passing of the ACT OF UNION. What has that proceeding accomplished? Impeded by the interposition of counsels opposing the measures, by which it was sought, and by which alone it was thought possible by Mr. Pitt, to render the Union national, and not merely parliamentary—effectual and not nominal—cherished by public opinion, and not depending solely upon the letter of legislative enactment—serious doubts are entertained by many able, distinguished, and most loyal men, whether instead of strengthening it has not impaired the connection of the two islands; and whether so far from being salutary, it has not been even injurious, to the true interests of the British empire. The minds of persons in both countries begin to reflect upon the effects of a measure which promised so much; and in its consequences has produced so few visible advantages.

It has not been *in itself* the measure of Mr. Pitt; since that Minister was not allowed to proceed with those plans, for the execution of which he considered the consolidation of Irish and British legislature solely as the means, viewing the establishment of an Imperial Parliament, only as an inceptive proceeding, facilitating the accomplishment of ulterior operations, not as the attainment of an ultimate object—and in *its result* it has not produced any one of those benefits, which it was expected to have

afforded. It has tended only to impoverish Ireland, and to drain England. It has palsied instead of invigorating our efforts against the common foe—it has diminished instead of increasing the energies of the empire—it has excluded, instead of admitting, the talents of Ireland, from the national councils—it has deprived her of that benefit, which she has wished to derive from the exertions of her own children, born, bred, and educated within her bosom—it has not allowed her to judge for herself, on points relating to the management solely of her own interests—and it has amounted only to a surrender of her legislative independence, without compensation, equivalent, or return.

Such is the impression prevalent in Ireland. Whether that impression be accurate is not so much the question, as whether it be the national feeling; and national feeling, once settled, becomes practically national judgment. It may be contended, and with reason, that the system of a Legislative Union ought not to be condemned absolutely, until it shall have experienced a fair trial agreeably to the plans and views, in which it was originally contemplated and proposed. It must be admitted, however, that the delays that have occurred in the fulfilment of those expectations, under which alone the Union was accomplished, and the temper which those delays have excited, irritated by recent and unexpected proceedings, naturally tend to increase the difficulty, from the first anticipated, of rendering a continuance of the Union acceptable to the Irish nation.

It cannot be dissembled that the Union has excited dissatisfaction in Ireland; it has not been confined even to that part of the united kingdom; and the altercation which occurred during the last Session, between a leading Country Gentleman of England and the late Irish Chancellor of the Exchequer cannot have been forgotten.—

Mr. Bankes is reported to have said, that “ Ireland was beginning ALREADY TO BECOME A BURTHEN TO ENGLAND;” and Mr. Foster is stated to have replied *in his place*, “ TAKE BACK YOUR UNION;” and HE HAS QUITTED OFFICE.

Under such circumstances, therefore, the period perhaps is not far distant, when the question of repealing the ACT of UNION may become a matter of Parliamentary discussion. The present Ministers are hourly accelerating by their conduct that moment; and the public mind of Great Britain cannot be too speedily prepared for a due consideration of the subject: a more important matter SINCE THE AMERICAN TROUBLES, will not have been agitated within the walls of Parliament.

It is impossible that any person, who has bestowed even cursory attention on the affairs of Ireland during the last four years, who has perused the newspapers of that country, and who has witnessed the revolution which has taken place in the political sentiments of Irishmen, should not anticipate the possibility of such an application. A similar application was made on the part of Scotland: and whatever may be thought or wished upon the subject in England, it cannot be contended, that if Ireland shall feel a measure, proposed professedly by Mr. Pitt principally for her own advantage, not to have produced the desired and promised effect, but on the contrary she shall consider it as injurious to her welfare; she is not to be allowed to petition the Imperial Parliament for the repeal of a statute, the continuance of which, in such a case, must be equally injurious to the true interests of Britain herself. I should contend as a lawyer, that there is nothing in the Act of Union which prevents the repeal of that statute, if such a measure should be thought advisable—I should hold upon received principles of equity, that if Ireland were drawn into the transaction

upon false assurances, and upon a consideration which shall have failed, she would be entitled to relief from her engagements—and I should think it unwise as a politician, to continue any system of government, which might tend to excite national disgust, or discontent.

I am not to be told, however, that I am inviting such an application, because I may have the courage to bring my own mind to the contemplation of an event, which has already been threatened—which to a certain extent, as far as the metropolis of Ireland * has been concerned, has long since been proposed—and which has only been suspended until that support shall have been obtained, by which consideration can be claimed of representations actually voted. I will not disguise facts, or withhold any observations tending to elucidate the public mind of England; and I will urge all arguments with energy, if any I be thought to possess, calculated to prevent, on the part of Englishmen, the fatal effects of deception on a subject of such vital importance. The Irish have nothing to learn from these Letters; but to the English nation they possibly may be of some utility.

I agree, Sir, with Mr. Grattan, that if any application be made for a repeal of the Act of Union, it must be a general call of the Irish nation. Should, however, such a call be made, it will be serious, and in its consequences, if not received with temper and without prejudice, TREMENDOUSLY AWFUL. It will be the call of a whole NATION, powerful in its physical strength, rich in its internal resources, capable of raising a capital within itself for interior improvement—a nation also, from the insularity of its situation, not exposed to the inroads.

* Vide the petition of Dublin for a repeal of the Union, and the answer of Mr. Grattan.

of armies, as Scotland, but possessing greater facility of breaking the yoke of any subjugation, that may become odious to popular feeling.

In the event, therefore, of such a general call, the Union must be repealed, or it can be maintained, against popular opinion, by the power not of the LAW, but of the SWORD. The Secretary of the home department for Britain may in such a case consult the Attorney General, and send over from Whitehall a copy of the Union Act to the Secretary for Ireland in Dublin, but it would be obliterated in its passage; and the sea would not render to the black letters of the parchment greater respect, than to the gilded chair of the Saxon sovereign in former times. We must send over not jurists, but generals—not clerks of office, but soldiers. Where shall we procure them, and if we could spare them, would it be policy in Great Britain to engage in such a conflict? Is she certain of a successful issue? Are we equal to the contest? And after all is it our interest to subjugate Ireland, and to establish a new dominion in that island by the right of conquest? Could Britain be more secure of Ireland, under such a dominion, than Napoleon of the Peninsula?

To these questions, I apprehend, but one answer will be given by Statesmen, or by those capable of reflecting upon political considerations. We have, therefore, but one of two courses to pursue—to follow up instantaneously and cordially, the plans of Mr. Pitt and Mr. Fox, of the late Viscount Melville and Earl Grey, of Lord Grenville and the deceased Marquis of Lansdowne, of the late Marquis Cornwallis and the Earl of Moira, of Mr. Burke and Mr. Windham, of Mr. Canning and Mr. Whitbread, of Bishop Watson and Bishop Prettyman and Bishop Bathurst—of all public men, among all the orders of the state, respectable from their talents,

information, and political sagacity—or at once to RE-ESTABLISH THE PARLIAMENT OF IRELAND.

Sir, I have no hesitation in declaring my apprehension, that it has already become a great and serious question—whether after the delays which have ensued, and the temper manifested by the present Ministers towards the Irish Catholics, *during an interval in which they had become more free to act upon a principle of conciliation*, a spirit of such distrust, suspicion, and indignation, has not been excited throughout Ireland, which may render hopeless all attempts to reconcile that people, including the whole population of that country, Catholic, Presbyterian and Protestant, to the system of an incorporate Union—whether those plans, to which I have alluded, and which, had they been adopted at an earlier period, might have proved successful, would now produce, in the fullest extent, the same salutary result.

The attempt, however, all men will agree in thinking, should certainly be made; and no one would endeavour to promote its success with greater zeal, than the writer of these pages; more, however, must now be done, than originally would have been required. The system which has been pursued in the government of Ireland must be exterminated, root and branch, from the body politic. Not a seed can remain; or the Irish would fear that it would germinate again, and over-run the land with its noxious weeds—the present Administration also, can be no longer entrusted with the management of the Empire. Between some individuals in the present cabinet and the people of Ireland, true reconciliation can never grow. The wounds inflicted have pierced too deep; and even if from a spirit of national generosity they should be forgiven, the remembrance would still remain, preventing the possibility of confidence or security. Ire-

land claims not to dictate the nomination of Ministers; but she protests against the continuance in office of those, by whom she conceives that she has been outraged.

The people of Ireland could have pardoned in the present Ministers much—have accounted for more—and would have attributed all to an unfortunate and melancholy cause, ending in a lamentable catastrophe which now seems to be beyond remedy, or recovery. I claim, Sir, some knowledge of the Irish character, as well as of the Irish nation; and I am certain, that notwithstanding any disappointment which that nation may have experienced, the memory of his Majesty King George III. will remain for ages in respect and veneration with the people of Ireland.—They will remember, even when what remains of his Majesty shall be embalmed and entombed within the sepulchre of mortality, the acts of personal kindness and even of partiality, evinced during the early and brighter periods of his reign, not only towards individuals, but the general body of his Catholic subjects. They ascribe to the personal motion of his Majesty the commencement of that system, under which they have been freed from bondage, and restored to an enjoyment of civil and religious rights. They know, *and their information rests upon good grounds*, that it was the earliest care of George III. upon his accession to the throne, to consider how it might be possible to abrogate the persecuting laws, under which so large a portion of his empire groaned, and languished. These circumstances, Sir, will be treasured in their remembrance: and the tears of Irish gratitude will efface, from the history of a long reign, any thing injurious to the glory of the noble achievement, commenced under his benign auspices. The people of Ireland may be reviled by their enemies as idolaters, but their idolatry is of a noble and magnanimous cast. More enlightened than the ancient Persians

and Magi of the East, they pay not their homage solely to the glittering and radiant splendour of the rising sun; they render equal adoration even in the clouded evening of its decline. They know that it is always the same refulgent orb of the political creation, the life and soul of its comprehensive system: and they will uniformly reverence, whether visible or concealed ‡—in brightness or obscurity—the sacred divinity of the British constitution.

But, Sir, they never will forgive nor spare the memory of those, who stole upon the secret hour of Majesty, and poured into the Royal ear their leprous distilment. They will never support the administration of those, who in paroxysms of political delirium, exceeding transports of mental perturbation, freed in a manner from controul, have almost removed the pillars of the state, and nearly convulsed the Temple of Liberty itself in general ruin.—Upon them their vengeance will alight—with them there has arisen politically a deadly feud—and their names will be transmitted to their latest posterity, with all the bitter execrations and maledictions of a people, whose susceptibility can transport them to the widest extremes of the warmest affection, and of the most implacable hatred.

To reconcile the people of Ireland to the Union, if it can be effected, must be desirable for the preservation of national peace, and to prevent the possibility of a strife and conflict, even in the minds of those originally averse to that measure. But if this cannot be accomplished, we must turn our attention to the establishment of another system—one which it may be possible to substitute without struggle or contest—and upon principles mutually advantageous to both countries. Should this become necessary, even the Union will have produced this advantage, in having facilitated the means of effecting that a-

‡ *Nominibusque deorum appellant secretum illud, quod sola reverentia vident.*

TACITUS.

melioration, desired by Mr. Pitt in the Parliament of Ireland—which he has himself admitted if attainable under the former system, he would have supported—and which he sought to introduce by a new system, because he thought that under local and temporary circumstances, existing at the time, by the former Parliament of Ireland such an amelioration could not be accomplished. For the views of Mr. Pitt in the planning of the Union, we are to look principally to his *first* speech on opening the subject, delivered at a time, when he thought himself certain of having engaged, in support of the measure, the Parliament of Ireland. I ENTERTAIN STRONG DOUBTS, WHETHER EVEN MR. PITT HIMSELF CONCEIVED THE IDEA THAT THE UNION COULD BECOME PERPETUAL. I think it can be collected not only from his preliminary speech, but from his declarations after that measure, that his best hopes were founded upon the strong impression, which he thought would be produced upon the national feeling by a sudden and spontaneous concession, on the first meeting of the Imperial Parliament, of Catholic emancipation. I have reason also to believe that the late Viscount Melville, a most intelligent and accomplished Statesman, with the frankness by which, as will be admitted even by his enemies he was on many occasions peculiarly characterized, expressed upon the disappointment experienced by Mr. Pitt a very decided opinion; that the Union was rendered nugatory, and that the views in which it had been contemplated were completely frustrated.

“ The Honourable Gentleman tells us, these evils can be
 “ ended in a moment. I know they cannot, Sir, but the
 “ question is, whether we should not adopt some plan which
 “ may lead to that cure in a course of time? If, indeed, it
 “ *could* have been done by what that Honourable Gentleman
 “ and his friends have often recommended to this House, by
 “ what they call Catholic Emancipation and a Parliamentary

“ Reform, the task would have been *a good deal easier than*
 “ *in truth it is*; but Catholic Emancipation and Parliamen-
 “ tary Reform, is a phrase made use of by some to cover
 “ designs of a very different nature. *If such an object could*
 “ *be kept in view, and be attained by calm dispassionate sober*
 “ *investigation, no man would be readier than myself to assent*
 “ *to any measure for that purpose.* But if the state of socie-
 “ ty is such, that laws, *however wise in themselves*, will be in-
 “ effectual as to their object, *until the manners and customs of*
 “ *the people are altered*—if men are in a state of poverty in
 “ which it is impossible they can have comfort—if the pro-
 “ gress of civilization depends in a great measure upon the
 “ distribution of wealth—if the improvement of that wealth
 “ depends much upon the distribution of capital—if the ad-
 “ vantage to be derived from an increase of national wealth
 “ depend much upon the temper of the inhabitants—if those
 “ advantages, together with the *still* greater advantages of
 “ mutual improvement are all retarded by the distractions
 “ and divisions of party, by the blind zeal and phrenzy of
 “ religious prejudices, by old and furious family feuds—if
 “ all, I say, combine to make a country wretched, what is
 “ the remedy? An impartial Legislature standing aloof from
 “ local party connection, sufficiently removed from the in-
 “ fluence of contending factions, to be advocate or champion
 “ of neither, being so placed as to have no superstitious re-
 “ verence for the names and prejudices of ancient families,
 “ *who have so long enjoyed monopolies of certain public patron-*
 “ *ages and property*, which custom has sanctioned, and which
 “ *modern necessity may justify*—a Legislature who will neither
 “ give way to the *haughty pretensions of a few*, nor open the
 “ door to popular inroads, to clamour, or to invasion of all
 “ sacred forms and regularities, under the false and impos-
 “ ing colours of philosophical improvements in the art of go-
 “ vernment. This is the thing that is wanted for Ireland.
 “ Where is it to be found? In that country where the evils
 “ which I have now enumerated exist, or in this? That is to say,
 “ where should that Legislature deliberate? In a place where
 “ the utmost effort of what is called patriotism, amounts to

“ nothing more than an aim at temporary popularity, as is
 “ evident from what has happened, or a place where the dis-
 “ cussion is calm and temperate? Certainly the latter, that
 “ is England. To neglect to establish such a Legislature
 “ when it is possible to do so, I say is an imprudence which
 “ nothing can justify. I say also, that MUCH OF THE EVIL
 “ WHICH IRELAND NOW LABOURS UNDER, ARISES UNAVOID-
 “ ABLY FROM THE CONDITION OF THE PARLIAMENT OF
 “ THAT COUNTRY.”—*Extract from Mr. Pitt’s Speech, Janu-
 ary 23d, 1799.*

Such is the principal passage in Mr. Pitt’s preliminary speech, and perhaps by many it will be quoted, as containing a strong argument in favour of a repeal of the Act of Union. Could the Parliament of Ireland have applied a remedy, Mr. Pitt would not have proposed the Union. That because a country may be poor, or wealth unequally distributed, it ought not to have a resident Parliament, invigorating its energies, and encouraging a cultivation of its resources, is a proposition which it will not be very easy to maintain. But wealth *has* become diffused among the Catholics; and it was announced in 1799, by Dr. Duigenan, in one of his enlightened Tracts upon the state of Ireland, that property was even then devolving to the Catholics, who form the great majority of the nation, with astonishing rapidity. Twelve years have since elapsed, and we know the ratio in which national and indeed all wealth increases, by judicious investment of capital. This consideration alone, is calculated to convey an idea of Catholic consequence in the scale of Ireland.

Mr. Pitt in the same speech, describes what he conceived to be the evils of Ireland. “ I say that Ireland is
 “ subject to great and deplorable evils, which have a
 “ deep root, for they lie in the situation of the country
 “ itself—in the *present* character, manner, and habits of

“ its inhabitants—in their want of intelligence, or in o-
 “ ther words their ignorance—in the unavoidable separ-
 “ ation between certain classes—in the state of proper-
 “ ty—in its religious distinctions—in the rancour which
 “ bigotry engenders, and superstition rears and cherish-
 “ es.” Were these evils even at the time of *permanent*
 complexion? Have they not in a manner ceased? And
 with the cessation of the cause, does there not arise an
 argument against a continuance of its effect?

I put these questions, which I know to be put daily in
 Ireland by the real and best friends of British connec-
 tion. They tend to point out the true grounds on which
 the question is to be discussed. You must satisfy the
 Irish nation, that the continuance of the Act of Union
 is more for the advantage of Ireland, than the re-estab-
 lishment, upon a more improved plan, of the Irish Par-
 liament; and unless you can prove that, and by solid ar-
 gument, **YOU MUST REPEAL THE ACT OF UNION.** You
 should at all events, admit the Catholics, to what Mr.
 Pitt wished that they should be admitted by anticipa-
 tion, and by that means you may be able to obtain, dur-
 ing another ten years, what the Union has not yet had,
and what I wish it to have, A FAIR TRIAL. But the folly
 of Ministers has been such, that they have deprived Bri-
 tain of the only means by which Ireland *could* be recon-
 ciled to the Union; and they represent that measure by
 which alone there is a chance of its being PRESERVED,
 as leading necessarily to its DESTRUCTION!!!

Without an Union, many also allege, that what Mr.
 Pitt himself has admitted to have been a remedy for the
 evils of Ireland, *could* have been accomplished, had the
 British Minister given to the Irish Parliament a proper
 impulse. They think that impulse could have been giv-
 en, and they refer to the friendly disposition manifest-
 ed by that Parliament towards the measure of emancipa-

tion, as proposed under the viceroyalty of Earl Fitzwilliam. They also add, that a Parliament which could be induced to vote away its own existence, and incorporate with a distinct and separate country, could have been influenced with greater facility to have consolidated itself with IRELAND, and to have incorporated its own NATIVES !

The defence of Mr. Pitt has not been an easy task.— It appears that if he had not expressly authorised Earl Fitzwilliam to propose emancipation, as a measure of Government, his Lordship was at liberty not to have opposed it, if brought forward *by the Catholics themselves*; and there is an inconsistency in Mr. Pitt's deportment; recalling as he did Lord Fitzwilliam, who had strong possession of the Irish Parliament; and who could have carried the measure, upon the principles and according to the views, in which Mr. Pitt himself, in the memorable speech which I have already quoted, declares, that he would have given his own support.

The mystery of Mr. Pitt's conduct upon that occasion, has since been, to a certain extent, explained. It is now generally believed, that the whole of the arrangement contemplated when Lord Fitzwilliam repaired to Ireland, was frustrated by the powerful and successful intrigues at Court, on the part of a few selfish and interested individuals, from which originated all the misfortunes of Mr. Pitt, and the subsequent calamities of Ireland. The ghost of the departed Minister would perhaps reveal secrets of the prison-house in which he found himself suddenly and unexpectedly confined, entrapped by no ordinary address; and those secrets would throw light upon the general obscurity, in which this transaction, with others, has ever been involved. It would perhaps appear, that whilst the conscience of the Sovereign was alarmed, the Minister himself was flattered with the idea that it would be prac-

licable to accomplish a Legislative Union, by the assistance of the same persons, who urged his interference against Earl Fitzwilliam. The debates of the Irish Parliament afford a ray leading to this elucidation. We there find about this period, the idea of an *Union** combined with objections drawn from the *Coronation Oath*. *This objection was stated in the British House of Lords by the Earl of Westmoreland*—and it is not difficult to suppose the case of a Minister receiving POSITIVE INSTRUCTIONS from the Sovereign, on a point to which his own mind had been attracted by other considerations of political wisdom—not deeming it prudent, necessary, or proper, in that instance, to oppose the Royal pleasure—not disposed, perhaps, on such a point to break up an Administration, but thinking by continuance in office, he might accomplish a great and important measure, which in his own conception, would not only immortalize his name, but promote the welfare of the Empire—not conceiving himself, or perhaps even Earl Fitzwilliam, bound irrevocably by any engagements towards the Catholics, or any other party in Ireland—and therefore adopting partly from necessity, partly from policy, and partly from weakness, a course which he never personally attempted, and which it was impossible, from the delicacy of circum-

* So prevalent was the intimation of an Union at this period, that on the 9th April, 1795, at a meeting of the Catholics in Dublin, the following Resolutions were adopted, on the motion of Dr. Ryan:—

“ 1st, That it is the opinion of this assembly, that an Union with Great Britain would be ruinous to the liberties, independence, and prosperity of Ireland, and that rather than accede to such a measure we would resist even our own emancipation, if it was to be proposed as the price of such a measure.

“ 2d, That though we have made this declaration in vindication of our principles, we do not apprehend that any Minister would risk a proposition to which no set of men are warranted to give effect, by surrendering the rights of the people.”—*Annual Register*, 1795, *Chronicle*, page 16.

stances, at any time publicly to explain. The correspondence of Mr. Pitt, and the tenor of his conduct towards that respectable Nobleman, a person of high honour and most scrupulous veracity, tend to confirm this supposition.

That Mr. Pitt could have had any motive of *personal malevolence* against Earl Fitzwilliam is *impossible*; and it is *highly improbable*, that he should have sought *spontaneously* to adopt a line of conduct towards that Noble Earl, which could not fail to be personally galling, to interest a considerable portion of the Cabinet in his behalf, and perhaps to break up a coalition so anxiously desired by Mr. Pitt, and so necessary after the measures of Continental warfare in which he had engaged, requiring such an accession of support both in Parliament and in public opinion. The acquiescence of Lord Fitzwilliam's friends, such as Earl Spencer and Mr. Windham, characters of a very manly description, (I omit all notice of the late Duke of Portland) and of others not of the Cabinet, would imply the existence of a LATENT cause, rendering IMPOSSIBLE the prosecution of those measures, however wise and salutary, in which Lord Fitzwilliam had engaged *.

Many persons also are disposed to contend, that the

* So convinced was the Author of this Letter, long previously to 1799, of *the cause* which has retarded emancipation, that he recommended to the Catholics of Ireland, when they were invited to sign addresses in favour of the Union, POINTEDLY TO DECLARE, THAT NO UNION COULD OBTAIN THEIR SUPPORT, UNDER THE ARTICLES OF WHICH, THEY SHOULD NOT BE ADMITTED TO AN IMPERIAL PARLIAMENT. The Union could not have been carried without the suffrages of the Catholics. By such a resolution the matter would have been brought to a more clear understanding, and many, perhaps, will be inclined to think that much mischief and confusion would have been prevented. Individuals will recollect the advice, and having been given spontaneously, it has been here stated.

plan adopted by the government of Earl Fitzwilliam, was the wisest policy, and best calculated to preserve the connection of the British Islands; they assert also that the question of Union was never fairly argued, since most of the inconveniences arising from the existing system, were attributable to the conduct of the British government, and principally to the recall of that Nobleman. His Lordship went to Ireland, not so much the representative of Mr. Pitt as of the Rockingham administration, upon the basis of that coalition, which his Lordship, with the Duke of Portland and others, had recently formed. The object of his appointment was the completion of that adjustment, which although declared *final* in 1782 upon one point, was in fact only a preliminary proceeding in the SETTLEMENT OF IRELAND. Much was left to be done in 1782; and what prevented the completion of the adjustment, but the dismissal of that administration, in which Mr. Fox and his friends had borne so prominent a part? That those should have argued against a system, as incomplete, who prevented its completion, may to many appear extraordinary; and yet such a course of argument was pursued even by Mr. Pitt, in the speech which I have quoted.

As in 1801, the formation of an Imperial Parliament, so was the declaration of Irish independence in 1782, only an INCEPTIVE MEASURE in the settlement of Ireland. LEGISLATIVE INDEPENDENCE was the means by which it was then sought to preserve British connection, "by making that connection to quadrate with the FIXED PASSION OF THE COUNTRY." To give validity to that independence, and to complete, or rather to constitute it, two things became necessary, the EMANCIPATION OF THE CATHOLICS, and PARLIAMENTARY REFORM. It was essential in order to establish INDEPENDENCE, to incorporate with the Constitution of Ireland, those who

were excluded from its pale, the IRISH NATION. This had therefore become a prominent feature in the Irish MAGNA CHARTA, the Resolutions of DUNGANNON. It became equally necessary, for the incorporation of the Protestants themselves, to adopt a system of PARLIAMENTARY REFORM*. The Irish Parliament had been

* I must request the reader to favour this note with *peculiar* attention. He must not confound the question of *Parliamentary Reform*, agitated in Ireland after 1782, with *a similar question* in England; and he must also discriminate between two *distinct societies* in Ireland, which have passed under the *same* denomination of UNITED IRISHMEN.

Upon the question of Parliamentary Reform in *England*, it is not necessary, perhaps, that I should express any opinion; it has no connection with that which was agitated in Ireland, previously to the Act of Union. The representation of England may be defective, and very serious evils may have resulted of late from that deficiency, but itsim perfection has resulted, not so much from the principles on which it was originally established, as from the course of subsequent events. In the present system of English representation I see many advantages; but I am also aware of many inconveniences. If the question of Parliamentary Reform, in England, has assumed, within the last four years, more serious importance, it must be attributed, in a great measure, to the conduct of the present Ministers. It has revived with increased violence, because they have adopted, with greater pertinacity, the same system by which it was originally occasioned; and it will keep pace with a perseverance in that system. I had always endeavoured, in my own mind, to draw a balance between the advantages and inconveniences of representation as it exists, conceiving Parliament, under its present constitution, calculated to support the administration of proper Ministers, and to counteract the nomination or continuance of those persons incapable of conducting advantageously the affairs of the Empire, or who might have forfeited all claim to public confidence. Upon this supposition I have always been averse to what has been called in England, Parliamentary Reform; not thinking it to be of necessity, nor wishing to lose a positive advantage in the pursuit of uncertain amelioration; but what has occurred in relation to the Walcheren expedition, and upon other recent occasions, has created, in my mind, and, I believe, in many others, *a considerable alteration of opinion*, upon this subject. Something is called for—it may be necessary—and possibly, in good policy, it ought to be granted. If the time shall ever come when those, openly exercising or secretly controuling the powers of Sovereignty, shall be able to nomi-

formed not to *represent*, but expressly to *stifle the voice* of the IRISH NATION. We, therefore, find the attention of those great men who accomplished the declaration of independence, anxious to perfect, in these two important

nate, dismiss, or continue the servants of the Crown, with the same facility as a Turkish Sultan or Russian Autocrat, it will be better, as the means of simplifying the operations of Government, at once to annihilate Parliament, than to preserve a useless idle mockery of Constitutional liberty, only a little more dangerous, than a Catholic convention in Ireland. Let the British House of Commons but exert itself by a proper energy, and display the spirit of times within the recollection of the present generation, and it will stand its ground.

The question, however, of Parliamentary Reform, in Ireland, was of a nature widely different. The system of representation which prevailed in 1782, was principally established, as I have stated in the text, to *exclude* the people of Ireland, as much as possible, from any voice in the Irish Parliament. Law and custom had established, in Ireland, a Parliament, and it could not altogether be abolished; but when it was found necessary to call a Parliament in 1613, after an interval of twenty-seven years, a considerable number of *nominal* burghs were created, to give the Crown an ascendancy. The popular members were so incensed at this flagrant outrage, that they seceded from the Parliament during a time, and were not easily induced to return.

It must be obvious to the reader, that upon the establishment of legislative independence, it was natural for the PROTESTANT INTEREST OF IRELAND, INCLUDING also the SCOTCH INTEREST of that Country, to seek an improvement of the existing representation, and to secure, even *to themselves*, a due influence in the Irish Parliament, in order to maintain that, which they had with so much difficulty acquired. PARLIAMENTARY REFORM, therefore, was an early topic of discussion; it was a PROTESTANT, and not a CATHOLIC QUESTION. The Catholics were, during the period of the warmest discussion upon this subject, excluded even from the elective franchise, and *no parties* to that dispute.

I am one of those who have doubted whether it would have been the interest of the CATHOLICS, once rendered eligible to the Irish Parliament, to have disturbed the existing system. Their commercial wealth would have out-bid the English Secretary, and the borough-monger, as he was called, would have been able to have raised his price by the competition. It was *his* interest to have voted in favour of Catholic emancipation, in preference to the Union.

I have described the Presbyterians as forming the Scotch interest of

points, the work which they had begun. They had planned from the first the work with a view, by rendering the Constitution of Ireland similar to that of England, in theory, in principle, and in effect—by placing the body of the Irish nation in Ireland, upon the same footing as the body of the English nation in England—to promote through what they conceived the most eligible and efficacious means, “THE UNITY OF THE EMPIRE. I am contending,” said Mr. Grattan, “in this work, not only for my countrymen, but for the BRITISH NATION.

They were stopped, however, (like Mr. Pitt himself at a subsequent period, by a similar, and certainly lamentable fatality,) from prosecuting what they had proposed—they were not allowed to proceed. The succeeding Administration exerted its interest in Ireland to oppose their views—and it adopted that sad error which it afterwards pursued, (and others would still continue) until it brought the connection of the two islands into a state of danger, from which, in 1799, it only narrowly escaped, and was with difficulty extricated.

The rebellion of 1798 would have existed had the French revolution never occurred. It was the necessary consequence of the short-sighted and narrow-minded policy, which could not discern, or would not regard, the state of popular feeling in Ireland—which could not watch the dawn of political reason, or follow the progress of its meridian elevation—which clouded and obscured

Ireland, in order to avoid the *unfounded* and *illiberal* prejudices that prevail in England, against, perhaps, the most *loyal*, *tolerant*, and *enlightened* body in the Empire. The writer of this note has had an opportunity of witnessing the true nature of Presbyterianism, in a country where it is the national and established religion; distinguished by its extensive principles of *toleration* towards those who dissent from its creed, and by the firm conscientious attachment of its own members to its interests, discipline, and government. The Scotch are, perhaps, the most religious, moral, loyal, and tolerant nation of Europe.

the brilliancy of what had occurred in 1782—and which seem disposed to wreak upon the brave and nobly born children of Erin that vengeance, which it had been prevented from inflicting on the natives of the American deserts. Had the voice of Mr. Grattan been heard in the Irish Parliament, or his plans adopted by the British Government, the principles of the French revolution would have found in 1791, no acceptance in Ireland. They would have been repelled, as in England; perhaps with greater indignation, as from a people more enthusiastic than the English, in their attachment to Royalty. But Mr. Grattan, and Mr. Ponsonby, and all the advocates of liberal policy towards Ireland, and towards the Catholics who are the people of Ireland, were all outvoted and cried down.

The loyalty of these gentlemen was enlightened. Their exertions were patriotic, because they were loyal—they wished the people of Ireland to be free, because they had found that people, even whilst groaning under iron fetters of slavery in which not even the Helots of Sparta were ever bound, to have been also loyal—and to ensure the continuance of that loyalty, by guarding the people against the contagion of French principles, their philosophy as Statesmen taught them, that it was necessary to grant freedom. They even thought freedom due upon principles of justice, (independently of policy,) to their merits and long suffering, as the reward of loyalty.—“*Treat them handsomely, for they deserve it well,*” were, I believe, the words of Mr. Grattan. These great men, whose names will be illustrious in the annals of Irish history, knew how to advance—how to stop—and when to retire. They would animate but they would not inflame—they would press the government to discharge its duty and perform its obligations; but they would not preach sedition, or excite the people to revolt. They wished to

heal the wounds inflicted upon Ireland; but they would not irritate by attempts to apply the remedy, which the government itself sought, and with success, to render vain. They left a government which would neither listen to nor adopt their counsels, to itself; and Mr. Grattan withdrew from Parliament.

The people had long become, as naturally might be expected, and from the beginning was foretold *, disappointed and angry. They formed, on their own behalf and under new leaders, dangerous combinations in pursuit of that liberty, which had been first promised, afterwards delayed, and ultimately denied. "When the last particle of good faith in man is exhausted," said Mr. Fox in 1782, "the people will seek in themselves the means of redress—they will recur to first principles, to the spirit as well as the letter of the Constitution; and they can never fail in such resources; though the law may literally condemn such a departure from its general and unqualified rules. Truth, justice, and public virtue, accompanied with prudence and judgment, will bear up good men in a good cause." The choice of men ‡, however, was unfortunate, and prudence as well as

* "The persons who opposed our liberty in 1782, were made our Ministers. Afterwards the country forgave them, but *they never forgave the country*. They attempted to put down the Constitution, but now they have put down the government. Do they not remember how, in 1790, we warned them? They said we were severe. In 1791 we repeated our admonitions—told them that *a government of clerks would not do*—we told them that the government of the Treasury would not do—that Ireland would not be long governed by the trade of Parliament. We told them that a nation which had rescued its liberties from the giant of old England *would not long bear to be trodden on by the violence of a few pigmies, whom the caprice of a court had appointed Ministers.*"—MR. GRATTAN.

‡ Of these men I will speak in the language of justice towards their offences, of philosophy towards their principles, of charity towards their faults—with the courage of real loyalty, and with a regard to the sacred

judgment were wanting. They fell into serious excesses; they were goaded into treason and rebellion; and amidst the fury of its flames, whilst the whole nation was con-

name of liberty. I will condemn all these persons and their offences with the law, and I will call many of them base, perfidious, and bloody traitors. But of others I will say, that they offended only against the law. Many were not disloyal in principle, but they were carried further by zeal, in what they thought a just cause, than they at first conceived possible, and afterwards were aware. Their fate will be a warning to those of ardent minds, how they ever indulge a spirit of political intemperance, and engage in secret associations always dangerous, or with persons whose principles and views they have not previously, and severely scrutinized. It will be a lesson to persons, both in Ireland and Britain, not to desert great and eminent characters in the state, who know how to exert, and how to protect the liberty of the subject—how to claim the rights and privileges of a people when their claims can be pressed with advantage; and how, sometimes most to promote that success, by forbearance from pressure. They may thus learn how to strengthen *party*, which in the system of the British Constitution is essential to its preservation, and to avoid *faction*, by which, whether it succeed or fail in its pursuit, the cause of true genuine British liberty will always be endangered. Upon the record of attainder against some of those to whom I have alluded, patriotism will shed a tear—it will not add insult to their fate—and a mind liberal and truly loyal will now express its indignation more against those who caused, than against those who perpetrated that, for which they died.

They were martyrs of a just principle misapplied. Their treason was only against the letter of the law—it was not any foul imagination of the mind—and it did not, perhaps, proceed, originally, in the contemplation of a departure from allegiance to the person of the King—from a disposition to depose the Sovereign, or to deprive his descendants of succession to an Irish crown. It sprang from the more refined but more heinous treason committed by persons, clad in ermine and enjoying high situations of confidence, abusing their trust towards both the government of their King, and the welfare of their country—by those of whom it was foretold by Mr. Grattan in 1795, that “their combination galling the country try with its tyranny, insulting her by its manners, exhausting her by its rapacity, and slandering her by its malice—such a combination inflamed at once by the favour of the British court, and by the reprobation of the Irish people, returning to power, would EXTINGUISH IRELAND”—and it nearly did so.

vulsed by the agonies of civil war, the British Government proposed the UNION. Under these circumstances, in the hour of heat and perturbation, of doubt and perplexity, of terror and alarm, the Union was pressed, reluctantly accepted, and with difficulty accomplished.

Others were persons profligate and desperate—instigated by the basest views, and prepared to attain them by the basest means—bold and cruel in the contemplation of their crimes, mean and timid in the confession of their guilt—having the courage neither to dare, to act, nor to suffer nobly—for whom, in a cause abounding with so much matter of allowance, if not to a certain extent of excuse, afforded by the provocation given for revolt, it is impossible for ingenuity to devise, or even for the genius of an insurrectionary spirit itself to allow, a pretence for extenuation.

But it will not be denied that the confederacy contained some men of superior talents, wonderful combination, and determined perseverance,—men animated solely by an insatiable ambition—men who failed only from causes which they could not controul, and almost in spite of those causes—men who evinced a capacity to accomplish, by the resources of their own minds, a revolution as extraordinary, as any which history has yet recorded; and who had nearly succeeded in their design.

The rebellion of 1798 affords, perhaps, more matter for contemplation, discussion, and political information on the most important points, than any other event of Irish history. It was marked in its causes, in its origin, and in its progress, by circumstances peculiar to that transaction. It exhibits the case of a government inspiring its subjects, “who although gradually, were advancing with a timid step, towards republicanism, at once with the idea that it would be as easy to obtain a *revolution* as a *reform*, so obstinately was the latter resisted”—it exhibits the same government, in the first instance assisting by its arguments proselytism to a rebellious principle, and afterwards by the devastation of whole counties, raising recruits for a rebel army—arming even disorder against disorder—and contending with rebellion, by rebellion. It displays, at the same time, a stupendous system of secret organization, throughout an immense body of population, hardly credible and almost impossible; amongst whom there was found but one person to reveal, and then only on the eve of its explosion, a conspiracy deep-laid, far extended, and truly tremendous. May the God of Peace prevent its recurrence! and enlighten the councils of the State with wisdom to direct their proceedings in the settlement of a country, which has witnessed so recently such a confederation.

Such were the circumstances under which the Union was adopted; and I feel it necessary to consider the arguments, by which it was supported, as they were directed principally, if not solely, to reproach the great Statesman of 1782 with failures, and the people of Ireland with violence, the blame of which, upon a fair and dispassionate examination, will be found imputable, solely to the system adopted I will not say personally by Mr. Pitt, but under his Administration.

I shall therefore endeavour to demonstrate the errors committed by that Administration, and beg leave to request to the consideration of the subject, your serious attention.

The claim preferred by Ireland to Legislative independence in 1782, was to be considered, by a Statesman, as the natural course of national expansion. It was, to use the expressions of that illustrious classic in the political literature of Ireland, whom I have so often cited, “ the germ of the soul, like the seed in the earth, or the child in the womb, swelling with time to its destined proportion, by virtue of laws, which man neither makes nor controuls.” It was the bud upon the branch of the luxuriant tree planted by England herself, and which at length had grown to its maturity, developing, although late, having so long been repressed by ruffian blasts from the east, its latent foliage.—The leaf of the year might wither—a blight might invade it—it might become, in one season, the prey of *vermin*—but still, by the wise ordinance of nature, and the irrevocable decrees of Providence, it must again revive, in pristine beauty and renovated vigour, with each returning spring. It was the shoot, not of a sprig that could be broken, not of a sapling that might be eradicated, but of the knotty oak, stately and majestic; which in the

fertile soil of Erin, and under a climate propitious to its growth, had taken deep root, fixed and immutable.

Ac veluti, annoso validam cum robore quercum
 Alpini Boræ, nunc hinc nunc flatibus illinc
 Eruere inter se certant. It stridor, et alte
 Consternunt terram concusso stipite frondes.
 Ipsa hæret scopulis, et quantum vertice ad auras
 Æthereas, tantum radice in tartara tendit.
 Mens immota manet.

As o'er the ærial Alps, sublimely spread,
 The aged oak uprears his reverend head,
 This way and that the furious tempests blow,
 To lay the monarch of the mountains low.
 Th' Imperial plant, though nodding at the sound,
 Though all his scattered honours strew the ground,
Safe in his strength, and seated in the rock,
In naked majesty defies the shock.
 " Though Erin bleed, and mourn her children slain,
 " Fixt in her purpose she must still remain *."

Such, Sir, was the spirit which in 1782 appeared in arms to claim against the whole world the independence of Ireland—and the right of legislating for herself, by the Lords and Commons not of a foreign country, but of Ireland. It was the voice of an united nation speaking through one individual, and on that account alone more loud and irresistible, and it succeeded: not so much from the weakness of England, as from her wisdom and the prudence of those, who had recently been admitted to the councils of the Sovereign.

The independence of Ireland once declared, it was even the policy of the British Government to have render-

* The translation, with the exception of the two last lines, is from Pitt, not the *Minister*, but the *Poet*. I cannot avoid quoting a corresponding passage from Mr. Grattan: " Where, during the ages of persecution, " was Ireland? Like a blasted oak upon a barren rock—seethed by the " fires of her own intolerance.

ed it effectual, not only from a respect to its own pride, which had experienced sufficient humiliation, but from a regard to the true interests of Britain herself. If she wished an ascendancy, and if it were indeed necessary for the general interest of the Empire that she should enjoy it, she should have courted it where it could have easily been obtained, and effectually secured:—she should have sought to procure it by the conciliation of POPULAR OPINION, and *that* she might have commanded:—she should not have espoused the interest of a few selfish individuals, against the interest of a whole people. She should not have set up a faction against the Irish nation, but have joined the Irish nation in the extinction of a faction. With a change in the system of the Irish constitution, she should have introduced also a change in the administration of executive government. Instead of fomenting division, she should have cultivated the growth of union—she should even have run a race with the Volunteers of Dungannon, and profited, instantaneously and gloriously, by the fatal errors subsequently committed by Lord Charlemont. She should have washed away, by effusions of kindness, any hatred of the English name, the sediment solely of English oppression; and she should have sought to establish an attachment in the hearts of Irishmen to British connection; by impressing upon their minds a certainty of belief, that they would obtain greater advantages through that connection, than through any other; and a conviction that Britain was a great and magnanimous nation, actuated not by narrow and selfish prejudices, but by noble and enlightened principles of Imperial policy. She should have manifested by her conduct, that she had cancelled the code of national usurpation, not from terror but from a sense of justice—not because it was extorted, but because she was the first to reprobate the misguided system of former times:—She should have endeavoured to

shew that she was the friend, and not the foe, of Irish liberty and of Irish prosperity—anxious to extend, and not to circumscribe the sphere of Irish exertion—viewing the growing energies of Ireland as the bulwark, not the terror of British dominion—and an increase of Irish power, as the aggrandizement of herself and of the Empire.

Such, Sir, was true policy; such were the principles of Mr. Fox and Mr. Grattan; such were the means by which *they* sought to establish between the two countries, on a true and permanent basis, a sure and stable union—declaring the two islands proper to each, but common to both—leaving to each country, according to its own views, the improvement of its internal resources—to the Monarch the nomination of Ministers for each, responsible to the respective Parliaments—not allowing the Minister of one country to remove or counteract those of the other—establishing solemn and sacred treaties, under which the mutual resources of both, improved by separate administrations, might be consolidated against a common foe, in the support of a common interest—and ensuring an adherence to such treaties by unity of sovereignty in the person of the King, if thought necessary by the confirmation of an oath at his coronation, but principally by inculcating a due sense of that common interest, by inspiring a sentiment of common freedom, enjoyed under the system of the British constitution, to an extent and with benefits, in all other Monarchies or Governments unknown.

Their hopes of connection were founded in the liberty of Ireland; their fears of separation arose solely from the effects that might be produced, by leaving her in a state of slavery and degradation. They sought to secure union by improving liberty—and to improve liberty by establishing in Ireland, upon the basis of independence declared in 1782, a constitution similar in every respect, in *spr-*

rit as well as *form*, to that of Great Britain. Such was their object, and such probably the plans as described in the preceding paragraph, which having matured they would have accomplished, had they been allowed to conduct the work which they had commenced. It may have been ridiculed, in the absence of Mr. Fox from disgust, and of Mr. Grattan from grief at the affliction of his country, as philosophy; but it was a philosophy political and moral. It is that, to which alone we can resort in a total failure of Mr. Pitt's experiment. That experiment proceeded on the same principle; and Mr. Pitt would have consulted better dignity and prudence, if in his opening speech, upon a measure rendered necessary by misconduct in his own time according to his own admissions of Irish government, he had abstained from an attempt to excite prejudice against those, whom he had impeded in their endeavours to attain the same views, which he himself professed.

The year 1782 was a new æra in the history not only of Ireland, but of society. "Liberty in former times," said Mr. Grattan, "and in other nations was recovered by quick feelings and the rapid impulse of the populace; but in Ireland at the present period, it was recovered *by an act of the whole nation*, reasoning for three years on her situation, and then rescuing herself by a *settled sense of right pervading the land*. England had no reason to fear the Volunteers. They would die for England and her majestic race of men. *Allied by liberty as well as by allegiance*, the two nations formed a CONSTITUTIONAL CONFEDERACY. The perpetual annexation of the Crown was one great bond, but MAGNA CHARTA was another and greater bond. It would be easy to find a King, but *impossible for the Irish to find a nation which could communicate to them a Great Charter*, save only England. IT WAS THIS WHICH

“MADE ENGLAND THEIR NATURAL CONNECTION. Ireland was planted by BRITISH PRIVILEGES, as well as by BRITISH MEN. It was a connection not as had been falsely asserted by conquest, but by CHARTER. Every true Irishman would therefore say *Liberty with England*, but at ALL EVENTS LIBERTY. Those therefore who would make the connection quadrate with the FIXED PASSION OF THE COUNTRY, contended for the BRITISH NATION and for the UNITY OF EMPIRE.”

The same cause also, which led to the claim itself on the part of Ireland of Legislative independence, should have opened the eyes of England, and shewn the absurdity, and the danger also, of any attempt to keep alive the former system—but especially by measures indirect, insidious, and corrupt, to deprive the people of Ireland of that which they had so lately and gloriously acquired, which they cherished with such affection, which they watched with such jealous apprehension, which they were not likely, without a struggle, to relinquish, and which, if torn from them, they would strive after a time to recover with exertions more violent—with feelings of injury recently renewed—with hearts consequently less disposed to cordiality and co-operation—and not with that spirit of unbounded generosity which hitherto has distinguished the contributions of Ireland to the exigencies of the Empire, whenever she experienced even a shew of liberality from the British Government.

Earl Fitzwilliam went to Ireland, upon the principles, with the views, and in the character which I have already mentioned; and what was the conduct of his government?—That of true, and wise, and liberal, and comprehensive policy—that which Mr. Pitt himself, at a subsequent period sought, after opposing it, to imitate, and upon a similar principle; but which he also, like the Jewish Legislator for his transgression only shewn and de-

nied the promised land, impeded by the influence of the party which had lost America, and since had endangered Ireland, was not allowed to pursue;—that which was calculated to cancel in a moment the oblivion of all former injuries—to impress veneration upon all classes of Irishmen towards the British name—to induce them to consider their liberties, for which they were impatient, as recovered, more by the friendly disposition of the British Government, than even by their own exertions—and from a sense of obligation, for the recovery of liberty spontaneously bestowed, to look on all occasions with fondness to British connection, for its support and preservation.

What was the effect of that policy? general and immediate unanimity among all parties throughout Ireland. What resulted from that unanimity? not separation—not hostility—not selfish calculation of how much could be spared, and how much withheld from the support of Britain in a foreign war—none of the evils predicted by the enemies of Irish liberty—none of the imaginary events pronounced so probable, as to render Irish liberty and Irish independence incompatible with British connection;—but a spirit of enthusiastic attachment to every thing even connected with England, and the largest grants for public service ever obtained from Ireland! Who was the great adviser of Lord Fitzwilliam? The venerable parent of Irish independence, and one of the greatest men whom the British islands, or any country, ever produced—the only man who has really understood, and accurately explained, the true principle upon which it can ever be possible, effectually, to bind Ireland with Great Britain. They lost no time. They knew that expectation was big, and that all the advantages proposed would be lost by tampering, bargaining, intriguing, temporising, hesitating, quibbling, low-minded proceeding; which could promote no useful object, but on-

ly defeat the great views in which they were engaged. They also knew that no permanent benefit could arise, unless the old system, as I have already expressed myself, *should be exterminated, root and branch; upon the same principle which requires now, by a necessity even more imperious, the total annihilation of the same system.* They brought forward at once, liberally and openly, the true question of Irish liberty.

We know what followed; intrigue precluded the pursuit of natural policy, and triumphed over national freedom. The liberty of a whole people was sacrificed to the interest of a few individuals—Lord Fitzwilliam was recalled. We repudiated the counsels of the friends of Ireland—even then protected, and afterwards delivered up our judgments to the blind fury of its oppressors;—who in a short time rendered the country, as might be expected, a scene of devastation; brought on a civil war; and had nearly lost Ireland for ever to the British empire. Such were the counsellors whom we called to our aid—to whom we entrusted the management of Ireland—and on whom the people of England were taught so long to rely, as unerring oracles of Irish policy, and solely capable of conducting Irish affairs!

We have here, Sir, experience against theory, fact against argument, the result of wisdom and the result of folly. Our narrowness led us, at former periods, to imagine that Irish prosperity, and the union of Irish sentiment, were incompatible with British connection. We carried to Ireland the British Constitution, and we voted all attempts of the Irish nation to admit themselves within its pale, as evidence of disloyal intentions—we proclaimed an expression of love for liberty, as an avowal of hatred against ourselves. As the energies of a country have become more potent, we have thought the task of crushing them the more easy—and in proportion as our

means of accomplishing an attempt, which happily never can be perpetrated, have become diminished and have fallen off—the more implicitly we rely solely on such assistance. We have fought one war against Ireland divided, with Lord Clare; and we are provoking another contest against Ireland united, with Dr. Duigenan! As a measure has become unattainable, we have been more bent upon the pursuit—as a proceeding has become of irresistible necessity, we have been more determined on opposition—as the public mind has become dissatisfied, we have sought to irritate, and excite ill temper. We have set out with a principle leading to the consequence, that the peace of Ireland can be established only by the extermination of its natives, and the desolation of the country; and having seen this inevitable consequence, we still persevere more strenuously in the principle. We espoused in former times the interests of a minority; we now take up a few individuals with greater ardour to support their cause; and with these we think to repress the liberties of an united nation! The more probable the failure of such an enterprise, the more we are disposed to undertake it; and the greater the danger of mutual extinction to both countries, in such a contest, the more we are impatient for the fight; and we call this prudence, vigour, energy, the means of improving the Union, and the true system of governing Ireland!!!

Such, Sir, has been the system which during a period of nearly fifty years has influenced, and still prevails in the conduct of public Administration: View it in America—view it in the Mediterranean—view it in Ireland—view it, latterly, in Great Britain herself—and you will find it invariably the same in principle, and steadily pursuing, without deviation, its course of operation: counteracting the efforts of the ablest Statesmen—seeking the destruction of their reputation—driving

them, in their several turns, from the councils of the State—practising upon the public mind deception; but if it cannot succeed, setting it at defiance, and endeavouring to suppress the constitutional expression of its opinion.

It prevented the completion of the work commenced by Earl Fitzwilliam, who has himself thus solemnly described it, on the journals of the House of Peers, “ as
 “ a system which supports men in whom the public has
 “ little confidence, and contumeliously rejects the service
 “ of those who have obtained the good opinion of their
 “ country—a system which endeavours to supply a comparative defect of ability by an unmeasured increase of
 “ influence—a system which rejects the opinion and information of persons in high and responsible situations,
 “ and listens to the interested representations of subordinate office—a system which inverting the whole order
 “ of things, introduces anarchy into the very seat of Government, by publicly and avowedly supporting the instrument against the agent—a system, which finding
 “ the body of the people disposed to look to the Crown as their security against oppression from domestic factions, employs all its influence, power, and authority,
 “ to support those very factions against the people, who fly for refuge to the Crown.” By such a system was Lord Fitzwilliam thwarted in that which he had himself pursued, in an endeavour “ to combine the minds of
 “ every sort of men, Churchmen, Presbyterians, and Catholics, of every the least proportion of education, talent, or property, in affection to their common Sovereign; to combine them in one bond of common interest, and in one common effort against our common enemies. He had the happiness of seeing all this completely accomplished; an unexampled concord amongst the people, and unexampled zeal for the support of the

“ Crown had taken place”—but for this he was RECALLED.

The same system has not been satisfied with frustrating one plan for the settlement of Ireland; it has thwarted another, of which it occasioned the alleged necessity; which was the result of its own machinations; and called for in order to compose the distractions of which it was the sole cause; having tortured Ireland in its fury, and deluged her in its wrath with blood.

It had, one would have thought, done mischief enough to that country, from 1785 until 1801, and from 1801 to 1811 it has increased that mischief, by a progression of infatuation, beyond calculation and almost beyond credibility. It would not give liberty to Ireland without Union in 1795, and having drawn Ireland, solely by the inducement of expectation, into Union in 1801; it has refused, even in 1811, liberty to Ireland with Union! It has sought in its progress, not the reparation, but an excess of former errors—not the abolition, but a refinement of oppression—not the observance, but additional violation of good faith—not the gratification, but the disappointment of hope, which it had excited by its own acts—not the redress, but the irritation of Irish grievances; and established originally upon false principles; in theory erroneous, in conduct disgraceful, in practice calamitous; if allowed to continue, it must inevitably lead to the total alienation and separation of Ireland, from the British Empire.

Who, Sir, are in truth the real enemies of the connection? They are to be found not in the Catholic Committee rooms, open to the whole world, but in the secret and retired windings of a Royal palace—not in what some will call a Popish mass-house, situate in some blind corner of the Liberties in Dublin—but among Protestant Courtiers, and a few ambitious Prelates, in the anti-cham-

bers of a Drawing-room. They are those whose intrigues counteracted Mr. Pitt, prevented honourable reward to Marquis Cornwallis, excluded Mr. Fox, calumniated Mr. Grattan, removed Earl Grey and Lord Grenville—who brought into power individuals, of themselves unable even to form a party—who have upheld, and seek still to continue the present Ministers. They are those who would impede, not who would promote the prosperity of Ireland—they are those who would refuse, not those who seek to gratify the laudable and salutary ambition of the Irish nation. The Catholics of Ireland, Sir, form the Irish nation—Catholic emancipation, to Catholics as well as Protestants, is Irish liberty—and Irish liberty they have refused, and still wish to withhold. These, Sir, are the enemies of connection, and the agents of SEPARATION. They would refuse Ireland to herself; and in the blindness of their obstinacy they would hand over the island to Bonaparte, driving, by their proceedings, the people in despair, trusting to the insularity of their situation and the weakness of Britain, possibly to seek, by a new compact, the enjoyment of BRITISH LIBERTY, under the plausible assurances of FRENCH PROTECTION*! Who will say that such a possibility may not arise? *Not the present Ministers*, for they are the first to argue from supposed attachment to the interests of France in the people of Ireland; although they will not adopt,

* When the French fleet appeared in Bantry Bay, the people manifested a strong determination to oppose invasion. The projectors of a revolution in 1798 were themselves jealous of French interference. A disposition towards a connection with France, arose only from the delay of Britain to perfect the work of 1782, and from the appearances, however erroneous, that the troubles of France would terminate in the establishment of a free government. We must trace all the events that have occurred in Ireland since 1782, to the transactions of that period, and they have resulted only from the cause which occasioned those transactions, to be left incomplete.

but decidedly oppose, any measures, by which the possibility of such an event may be effectually obviated.

Previously to the Union they endeavoured to make the Irish Catholics disloyal, by representing the Sovereign as sworn against the claim of the Catholics to political liberty, (*the Constitution knows no distinction between liberty, as civil or political*) but they did not succeed. They could not, however, then deprive of a Parliament, the people of Ireland who possessed in themselves, and in the physical strength of the country, the means of compelling that Parliament, if not sufficiently disposed, to pay a proper deference to their just claims. They could be taxed only by a Parliament of Irishmen; and they could try, upon a question of supply, not only a point with an Irish Secretary, but with an English Minister; they could also repel any improper attempt, on the part of England, to injure Irish prosperity, and they could present *England gratuitously with large supplies!!!* They were allowed also to judge for themselves, what was conducive to the internal welfare of their country; and they could not be called upon to consult, still less to yield to the sentiments of Englishmen, upon matters which concerned themselves alone, and solely their own interests. These, Sir, were rights declared sacred and inviolable: they were to any nation invaluable. I will not say that adequate compensation could not be given, for the surrender of such rights; or that, by wise arrangement, under a system of Legislative Union, they might not have been practically secured; but I will ask, What has been given?—NOTHING.

But what has been the conduct of that party through whose intrigues they have been *defrauded, by the vilest treachery of which history can furnish an example*, of the benefit promised, as the consideration of that surrender? Why, Sir, the Minister, whom as a Gentleman I respect,

but whom the people of Ireland are disposed to view with Mr. Grattan only as one “*of the few pigmies whom the caprice of a Court has appointed Ministers,*” gets up from the Treasury bench in the House of Commons—he talks upon an Irish question, of Oxford, Cambridge, and Northampton—and he tells the Irish nation, that however united among themselves in their wishes, for the abolition in Ireland of all civil distinctions on account of religious opinions, their wishes shall not be gratified. Why? Because, forsooth, the people of England (not of Scotland, for they are liberal, and understand toleration and enlarged policy) do not approve the determination of Ireland, upon a point which concerns Ireland alone. Thus, to convince the people of Ireland that they have not lost their independence—that they are not made over, by an authority solemnly declared incompetent by Mr. Saurin his own Attorney-General, to a foreign legislative power—and to assist the arguments of those, whom he would call factions—he eagerly embraces the earliest opportunities, by practical illustration, to enforce upon their minds the truth of what others allege, and of the predictions under which, the Union was opposed. He declares, in effect, *that England shall be the sole judge of Irish interests; that the people of Ireland shall continue in a state of exclusion from the Constitution, against the general will of Ireland herself*—he exerts in the House all his influence with British Members to enforce against Ireland that exclusion—he would go farther, he would engage even Princes of the blood Royal to sanction the attempt; and thus would commit, not only the Lords and Commons of England, but even the Crown itself, as bound in decided and perpetual opposition to the concession of Irish Liberties. He insists upon withholding from the majority of the Irish nation in Ireland, the rights and privileges enjoyed by the people in England—he denies them also the

same freedom of representation in Parliament enjoyed by the people in England, declaring that they shall not be allowed to choose their Representatives from a proportional number of candidates—he shackles in this respect Protestants themselves—most ancient Peers he excludes not only from eligibility, but from the franchise of election—he pronounces from his high dominion against Ireland, this his fixed, irrevocable decree of fate—he would plunge her into the dark abyss of national despair, excluding her not only from the enjoyment, but even from the hope of bliss long promised and foretold: and he will relax the rigour of his stern resolve only to indulge, with a smile of affected complacency, in pointed sarcasm; or to listen in silent secret delight to the bitter invectives, and foul calumnies against the Irish nation which he will not pronounce himself; but which, however, he will honour and reward. I regret this for himself, whom all will privately esteem, none more than the writer of these pages, from whom these remarks proceed with extreme reluctance; but I lament it more from my knowledge of the mischievous effects that his deportment has produced in Ireland, which I neither can, nor ought in candour to defend.

Such, Sir, I speak of him only as a politician, is the British Minister—such is the language which mistaken zeal, limited conception, or imperfect information of Irish affairs, have induced him to hold and support in the tenor of his administration, and invariably in Parliament. So far he has always been unreserved, candid, and decided. But he is surprised that the people dislike a connection with which solely his own measures tend to disgust them. He allows them to be accused in the Treasury journals of disaffection, if they venture to breathe a murmur of complaint against such a system of degrading subjection;—and the very contemplation of an endea-

your either to improve such a system, if indeed improvement be now practicable, or if not, to get rid of a statute the continuance of which, in such a case, might, in its consequences lead to total separation, he charges as criminal, and amounting almost to treason. Can this be endured by a proud, quick, and spirited people? **IT IS IMPOSSIBLE**; nor can any Administration long continue such a system.

Ministers had depended upon support from the prejudices of former times; and because a considerable portion of the Protestant interest of Ireland had, in 1795, allowed itself to be duped, together with the British Minister perhaps of that day, into a dereliction of their true interest, and became subsequently involved in a contest, on which they now reflect with horror and regret; they must have conceived they could again accomplish the opening of a division long since closed, and never likely to recur. But they have wofully been deceived in their imagination. The Catholics of Ireland have become enlightened—the Protestants of Ireland have become also enlightened. They have reflected upon past events; they have forgotten their jealousies and animosities; they will not suffer them to be again revived either by British or Irish intrigue; they think only of the true interests of their country, and by promoting her prosperity, to increase the resources of the Empire. The Protestants, Sir, feel how much it is the advantage even of themselves, as well as of their country, that civil distinctions on account of religious opinions should be instantly removed; and they are equally, if not more clamorous for emancipation than the Catholics themselves. The Protestant nobility and gentry of Ireland have considered how powerful and exalted they would have been, had they seen at a former period their true interests, and admitted the Catho-

lies to an equal participation with themselves of political privileges. They now, Sir, are convinced, that by such a measure their ascendancy, instead of being forced and precarious, would have been natural and secure; and that they would have retained what they have now lost, but which they are anxious to recover. Their hearts as well as their eyes are opened, they exclaim, with Mr. Grattan, "LET US EMBRACE AND GREATLY
 "EMANCIPATE." They support the Catholics cordially and sincerely from motives of patriotism, and upon PRINCIPLE. They have allowed a civil war once to have raged in Ireland. They will not allow it to be renewed, and they have recently stepped forward to prevent its flames from being again enkindled. They have preserved the peace of the country against the tendency of a proclamation to disturb it; and should the British cabinet persevere in their system, they will feel themselves compelled, with the Catholics, to obtain from the Minister a repeal of the Act of Union, to prevent SEPARATION.

Emancipation is no longer the question of the Catholics or of any religious persuasion, but of IRELAND. It is becoming the question of DUNGANNON and of the VOLUNTEERS. "I have watched, Sir, the progress of
 "Ireland, she has grown from arms to liberty. She
 "is not now afraid of the French; she is not now
 "afraid of the English; she is not *now afraid of her-*
 "self. Her sons are now no longer an arbitrary gen-
 "try; a ruined commonalty; Protestants oppressing
 "Catholics; Catholics groaning under the oppression
 "of Protestants. An alliance has been formed between
 "the Protestant AND CATHOLIC POWERS, FOR THE SE-
 "CURITY OF IRELAND.

"IRELAND IS IN STRENGTH. If England were, for a
 "moment, awake to her own interests, she would come

“ forward and invite us to her arms, BY DOING AWAY
 “ EVERY CAUSE OF JEALOUSY *.”

This Sir, however, will not, it cannot be done by the present Ministers; and I tremble at the perplexing, alarming, dangerous, and, as it may prove, humiliating alternative, to which their conduct has reduced the question. I cannot take leave of the subject without concluding in the language of Mr. Fox, delivered in his place in 1782, as a servant of the crown: “ The Irish associations have “ been called illegal”—I hold them to be legal, but “ legal or illegal, I entirely approve of them,” and I hold the right of petition, with its concomitant rights, to be fundamental, and unalienable even by Parliament itself. “ I heartily lament should any cause have been “ administered, which may seem to justify violence or resistance. I dread the consequences, however justifiable in their origin, or moderately or judiciously conducted, but whatever the effects may be, I am ready “ to acknowledge, that such a power is inherent in man. “ As men and citizens it is a SACRED TRUST in their “ hands, as a defence against the possible or actual abuse of power, political treachery, and the arts and intrigues of Government, and when all other means “ fail, resistance I shall ever hold as perfectly justifiable.”

I am, however, Sir, satisfied from the good sense of England, from the prudence and dignity of conduct which Ireland will pursue, and from the weakness of the common adversary, that a case of resistance will not be allowed to arise.

The Union with Ireland is a measure on which the attention of the writer of these pages has been sedulously bestowed, from the time when it was first proposed, until the present moment. That attention was excited by

* Mr. Grattan, 1782.

peculiar circumstances in the year 1799, and since that period, few persons perhaps have endeavoured to watch with greater solicitude, its progress and its effects. It has been with me, from the beginning, the subject equally of hope and fear. It has had my wishes for its success, my apprehensions for its failure, my doubts of its expediency, not so much from an objection to its plan in theory, as from the incompatibility of the plan in practice, with the habits, the feelings, the passions of the Irish nation. I always thought it a grand, and comprehensive, but a dangerous experiment; and in the hands to which the conduct of it has been entrusted, since the formation of the Imperial Parliament, I greatly fear, that it has been rendered an instrument more for the destruction, than the advancement of that mutual connection which true policy points out, as mutually necessary, between Ireland and Britain.

To Mr. Pitt I am ready to give full credit for the purest motives and the most patriotic views, in having proposed that measure; and I think that with the assistance which he would have derived, had his administration continued, from Lord Grenville, and especially from the late Viscount Melville, many of the inconveniences resulting from the system of a Legislative Union might have been obviated. No man understood the question better than Lord Melville*, and his Lordship enjoyed peculiar advan-

* In the course of these letters I have sought neither to flatter nor to offend—to render justice where I think it due, and only to blame, where I have conceived that there has existed reprehensibility requiring condemnation. Upon the point which occasioned the fall of this Minister, I shall be silent; and upon the system of his management in Scotland, it is not for me either to form or express an opinion. If in either respect errors were committed, in the one he experienced severe punishment for any transgression; in the other a remedy may be applied, by new arrangements of interior administration. However important these points may be, and however keenly they may have excited local interest, or sentiments

tages in that respect, from his conciliating manners, the part taken by him in former arrangements, but above all other qualifications, from his belonging to a country where false notions of alliance between Church and State are unknown, and civil distinctions on account of religious opinions are aberrant both from the law and idea of toleration; a country, where, to express myself in a juridical work, published under the eye of a late President of the Court of Session, “a dissenter is not disqualified from holding any office—where a *sacramental* test “for a civil office is held a prostitution and profanation “of sacred things”—where “the national establishment “is happily rid of every oppressive distinction, enjoying “only such advantages as are injurious to none. At the “public expense it is provided in stipends and churches “—other bulwark or prerogative it has none—yet piety “and good morals, and all the salutary purposes of a “national establishment it promotes more abundantly†.”

Without considering whether the measure were well timed, or whether it were at all necessary, it must in

of attachment or of hatred towards his name, they are of inferior consideration, in the estimation of Lord Melville's character as a statesman, comparatively with his conduct of those affairs, in which his Lordship was so long engaged upon the great theatre of general politics. I will say of the late Viscount Melville, with Mr. Grattan of Mr. Flood after his decease, that “he had his faults; but he had great powers, great public “effect; he persuaded the old, he inspired the young. *On a small subject he was miserable*—put into his hands a distaff, and like Hercules he “made sad work of it; but give him the thunderbolt, and he had the “arm of Jupiter.” In continuation of that idea, I would say of Viscount Melville, from his extraordinary attainments, the activity of his mental energies, and his enlarged view of our colonial policy, that he had almost the *genius* of Jove, holding in the comprehension of his mind the globe itself, contemplating at once the north and the south, the east and the west—regions distant and unknown—capable of ascertaining the wants, and of directing the political operations of the whole world.

† Hutcheson's Justice of the Peace.

candour be admitted, that the Union offered two important advantages; the communication of liberty to the people of Ireland; and the steadiness of Imperial Government, by preventing the clashing of views, (if indeed any should have occurred under a federal system, an argument pressed without sufficient foundation in point of fact) in the prosecution of plans, regarding external policy. It was also calculated, under a judicious management, to have given Ireland a greater consequence in the general councils of the state, than she possessed under a Parliament, such as had hitherto existed; of which jealousy would, by an English Minister, always be entertained, and which, however improved in its constitution, he would always endeavour to gain by corruption. Ireland has witnessed corruption, and has suffered sufficiently from its deleterious poison. The introduction of one hundred free independent members into a British Parliament, in itself necessarily divided, would have tended, in the opinion of all persons accustomed to Parliamentary tactics, to give Ireland an important sway, to procure due attention to her representations, and even on some occasions an ascendancy. Mr. Pitt wished to change the form of Irish Government, in order to change the system of Irish Administration; and I believe he had at heart what he professed, agreeably to his own view of the subject, the welfare and happiness of Ireland. He was prepared to have done honourably, liberally, and spontaneously, all that depended upon himself; and it remained only for Ireland, on her part, to have secured to herself that importance, which the Union afforded her an opportunity to acquire. She might have improved instead of losing, as she has done, independence. Upon this principle, although I fear the mischief which has ensued from delays be irremediable, I still wish the Union to be allowed a FAIR TRIAL. This, however, cannot be

accomplished if the present system be allowed to continue, or, if as I again repeat, it be not root and branch instantaneously extirpated. Should it be continued, I am confident it will be true policy, in order to save the two countries from TOTAL SEPARATION, to repeal without delay the ACT OF UNION.

No one has endeavoured more strenuously than myself, during a course of ten long years, to promote a settlement of the Catholic claims, as far as such a settlement has been practicable, in order to promote the continuance of the Union; and numerous publications will bear ample testimony of my public exertions to advance that end.

If that end, from the prejudices of England, or from the temper of Ireland, cannot be accomplished; I am convinced that I am pursuing the course best calculated to remedy a misfortune which I shall deplore, by drawing the attention of the public to the means of establishing a more effectual system. My sphere of action has been limited, but I can truly say with a military hero of Ireland *, “ TO UNITE ALL SECTS IN ONE COMMON COM-
 “ PREHENSION—TO CONSOLIDATE THE NATION, IN OR-
 “ DER TO GIVE SECURITY TO THE PEOPLE, STRENGTH
 “ TO THE EMPIRE, AND DIGNITY TO THE CROWN, HAS
 “ EVER BEEN THE FIRST OBJECT OF MY POLITICAL LIFE.”

* Lord Hutchinson's Address to the Electors of Cork, 1796.

APPENDIX.

CONTAINING

LETTERS PRINCIPALLY IN RELATION TO SCOTLAND.

THAT APPEARED IN THE MORNING CHRONICLE

OCCASIONED BY THOSE OF

Hibern-Anglus.



APPENDIX.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,

YOUR Correspondent HIBERN-ANGLUS is pursuing with so much ability his purposed investigation of the Proclamation recently issued by the Irish Government, that in offering you a few observations on the extreme impolicy of that measure, I shall leave wholly untouched the ground which he has chosen for his argument. What I am chiefly desirous of pressing upon the public attention is a topic, so connected with the immediate safety of these realms, that I own myself perfectly astonished at the *nerves* of those men who can drive it from their minds, or dwell upon it with a moment's indifference—I mean, Sir, the necessity which we may soon be under, if this Proclamation be to be followed up to all its consequences, of withdrawing our armies from the Peninsula, and keeping them in readiness to be employed in a country, the mass of whose population is already stigmatised by the Ministerial Prints as little better than rebels. It must be evident that wherever rebellion exists it must be suppressed; that to suppress it we must send troops; and that to get these troops in sufficient numbers, we must starve every other service in which the British armies are employed against Bonaparte. We could send Hessians and Hanoverians against America. but as that resource is closed, we must send Englishmen and Scotchmen to Ireland, if that dreadful necessity to which I have adverted should ever exist.

Now, Sir, let every friend to the safety, as well as to the peace and liberty of these islands, both in and out of Parlia-

ment, maturely weigh the consequences to *Ireland* of the too probable occupation of Spain and Portugal by Bonaparte, the moment our troops shall evacuate those countries. Is there a man who believes that we can keep them there? Is there a man sanguine enough in his calculation of our resources, to believe that we can find men enough for all the consumption of our present warfare, in addition to what will be wanted for the West Indies, in the possible event of a rupture with America, and what would be wanted for Ireland, in the desperate extremity which by their rashness Ministers are now forcing us to contemplate? Is there any man who looks beyond the accidents even of a single month, and who does not view with dismay the consequences of seeing Lisbon, Ferrol, and Cadiz in the possession of an enemy who, in addition to all his means of annoyance, will then have the power of arming and directing the population of the most Catholic countries in Europe against us, and, as the blockade of those ports during winter is impossible, of pouring army upon army into Ireland, at a moment perhaps when a succession of exasperating acts shall have rendered her worse than indifferent to British connection?

I know, Sir, that there are many of your readers who even now give up the Peninsula, and the whole Continent, for lost. Misfortune added to misfortune, blunder pressing upon blunder, have tired out men's spirits as well as their patience, and it is natural enough for those who see no end to the system which has produced these evils, not only to see no hope from a perseverance in them, but almost to despair of the future, even under the best administration of the public resources. I differ in many points from the conclusions drawn by this description of persons. *Nothing* is irrecoverable if we are true to ourselves. But to be true to ourselves we must not be false to our liberties; we must not be false to those ties which connect our PEOPLE together by the kindred associations of a common country and common laws, and render the defence and security of these the paramount of all moral, as it is the first of all natural obligations.

No, Sir, the Continent is not lost, nor will it be lost while we can hold Bonaparte by the throat in Spain and Portugal. The Continent will not be lost until that fatal day in which the Prince Regent shall be advised to adopt a course of measures in Ireland which must necessitate the abandonment of Spain and Portugal, and the recall of our troops from Sicily and the Mediterranean, in order to enforce their execution. The Continent will not be lost until Bonaparte can confine us at home, not by the decrees of HIS Councils, but by the use he will make of the Proclamations of OUR'S; not by the system of exclusion from its ports which he compels its vassal Sovereigns to adopt, but by the system of exclusion from the British Constitution which our own Ministers would compel five millions of their countrymen to submit to.—The Continent will then be subdued, because whenever we shall be involved in hostile discussions with so vast a proportion of our fellow subjects, it will become impossible for us to look abroad, and because the people of the Continent neither will believe that we can come out of such a conflict with sufficient remaining strength to afford them any succour, nor will they even be willing any longer to trust us with the glorious task of breaking their chains, after we shall have rivetted those of our brethren in Ireland.

I am, Sir, your humble servant,

AN ENGLISHMAN.

LETTER I.

SIR,

YOUR Correspondent, HIBERN-ANGLUS, has called forth observations from an ENGLISHMAN; perhaps you will allow a corner of your paper to the ideas of a SCOTSMAN, upon a question which, with both of the preceding writers, I conceive to concern not only the local politics of Ireland, but the general welfare of the Empire—to have been agitated unwisely and unnecessarily by the Irish Government—and to involve very lamentable consequences, whatever may be the decision of a competent jurisdiction upon the construction of the Irish Convention Act.

The one of your Correspondents argues with such assiduity and with such energy, upon the question of law arising out of the Proclamation; and the other has so forcibly described the mischievous effects of perseverance, on the part of Ministers, in their late proceeding towards Ireland as connected with continental operations, that I shall not attempt to pursue those points of discussion.

Scotland, however, may be allowed to feel herself particularly interested in the present contest. The cause in which the Catholics, supported also by the Protestants of Ireland, are engaged, has been and still continues THE CAUSE OF SCOTLAND. It is a cause which she has herself formally submitted upon an occasion still recent in the recollection of your readers to the consideration of the British Parliament; and although the application at the time when it was made was ineffectual, it has never been abandoned. You will perceive that I allude to the petition presented on behalf of Scotland in 1791, for the repeal of the ENGLISH TEST ACT.

I have been induced to advert to the circumstance, in consequence of the allusions made by Hibern-Anglus, with a degree of candour and liberality which we do not always experience from our southern visitants, to the laws of Scotland. The statement of this writer is correct, and shews that he has bestowed no ordinary pains in obtaining a knowledge of our institutions and ideas. He has observed, that in the doctrine

of toleration, "England has much to *learn* from North Britain." For myself I will add, that from England, in this respect, NORTH BRITAIN HAS MUCH TO CLAIM.

In Scotland, we have not only shewn an example which England might adopt with safety, and even with advantage, to her own interests; but we have pursued in her regard a conduct, which entitles us to claim from her a corresponding spirit of liberality towards ourselves. We have not conceived toleration to be complete, merely by allowing to the Protestants of England the liberty of religious worship—we have allowed no civil distinction between them and the members of our established Church to prevail, on account of a difference in religious opinion—we have not visited upon English Protestants of the present day, the endeavours of their ancestors to subvert our religious liberties in former ages—and we allow them to hold the highest offices, both civil and military, without any restraint upon their consciences, without exacting their compliance with a foreign religious rite, or the subscription of a declaration convicting themselves of idolatrous adoration, because they may entertain, upon the reception of the sacrament, sentiments different from our own.

We have not thought ourselves warranted to impose upon them, or to continue, restrictions and incapacities, because the Protestants of England, during the last century, made repeated and sometimes violent attempts to force upon ourselves a liturgy and episcopacy—we have carried our confidence so far to commit even THE ESTABLISHMENT OF OUR CHURCH (to which, perhaps, no nation was ever more strongly attached) to a Parliament, the majority of whose members profess a religion inimical to its tenets and form of Government—and we have remained secure in the obligation of an oath on the part of a Sovereign NOT OF OUR COMMUNION.

Such has been the liberality of Scotland towards England—and what has been the return? The rejection of a petition, claiming upon principles of equal liberality the extension of those privileges towards ourselves in England, which we have voluntarily conceded to the members of her own estab-

lishment in Scotland?—Whether this conduct has been merited I leave to the consideration of your English readers, content with putting the question, whether, at any period since the Union, our PRESBYTERIAN MEMBERS have ever sought, in either House of Parliament, to molest the ECCLESIASTICAL ESTABLISHMENT of ENGLAND? and whether those public men of our communion, who merely by the connivance of the law, through an act of indemnity, have held high offices in the Administration of England, have not proved themselves, on all occasions, ITS WARMEST FRIENDS and MOST STRENUOUS SUPPORTERS.

I have troubled you with this Letter to put the Minister UPON HIS GUARD, and to lead his mind to the reflection, that SCOTLAND is not likely to consent to any sacrifice of her blood and treasure to support in ENGLAND any selfish spirit of religious intolerance or oppression. It is not to be forgotten, that we have received gratuitously and spontaneously from the liberality of an IRISH PARLIAMENT, that which, by a British Parliament, has been refused. To repeal the Test Act in our favour was the first operation of the Irish Legislature after it had obtained its independence.

Whether Hibern-Anglus be a Catholic, does not appear. Should he be disposed in his promised sequel to discuss the Catholic Question, the observations contained in this Letter may possibly afford in his hands a strong argument against the theories of those, who oppose the concession of what seems equally desired by the Protestants, as well as by the Catholics of Ireland.

I remain, &c.

A SCOTSMAN.

Perth, Sept 7, 1811.

LETTER II.

SIR,

WHEN I addressed you in a former Letter, it was not my intention to pursue the discussion of the subject to which it related, satisfied with following up the outline so correctly drawn by Hibern-Anglus, of the ideas and laws upon toleration which prevail in Scotland. I am induced, however, to trespass once more on your attention, in consequence of an article blazoned in *The Courier* of the 4th instant*; not because

“ * The *Morning Chronicle*, through one of its correspondents has surprised us with the Discovery “ that England, however considerable is but a part, and not the most flourishing and united part, of the British Empire.” Now if the population census, the comparative amount of taxes levied, the tables of exports and imports, the relative number of new buildings and public works carried on by private capital, are all insufficient to convince the *Morning Chronicle* of the contrary, we can only say, that it was very ungenerous in the Irish members not to have negatived that article in the late Budget, by which the less flourishing and less united part took on itself five millions of Irish taxes, in addition to the enormous contribution levied on itself; and equally so in Scotland, to permit the English to make canals and roads for its northern counties at the public expence, a favour which was never bestowed on any English county, or indeed ever requested by them. We are likewise gratified with another discovery, that England has yet much to learn from Scotland, which is rather extraordinary, as half the ushers in the countless English boarding schools have been Scotchmen, for near a century past; a full half of the newspaper writers, and two-thirds of the reviewers. Now newspapers and reviews, joined to the small incipient quantity brought away from school, form nine-tenths of the erudition of nine-tenths of the readers throughout England. novels excluded, as not complimentable with the name of *reading*, even in its feeble energies. Therefore we thought that either the literati of North Britain must have loitered over their duty, or that the circumstance is extraordinary, and explicable only by the supposition of a superiority in natural genius and docility, as well as inflorescence and union on the part of the Caledonians. and in plain truth, of John Bull's hopeless blockheadism. A few sentences further did, however, relieve our doubts. The salutary arrangement which John has to learn from his sister Peg is merely to turn off MARTIN from being his chaplin, and to take JACK, *i. e.* to substitute the Presbytery of the North for the Church of England, which has produced more men of eminence than all the other protestant churches of Christendom. The correspondent signs himself Hibern-Anglus, and verily he doth both reason and write in very good *Irish-English*.” (*Courier*.)

such a wretched attempt at wit has in itself any claim to attention or to a reply, but because it exhibits in true colours the miserable shifts to which the scribes of Government are reduced in their endeavours to support a falling Administration, originally formed upon the basis of intolerance, and which now can sustain itself only by oppression. What, Sir, have they no means of answering the cogent arguments pressed upon them so forcibly by your active and indefatigable correspondent, but by recourse to low scurrility or vulgar prejudice? and having exasperated Ireland, are they desirous of insulting Scotland?

Hibern-Anglus as far as one can judge from the tenor of his letters, is a writer not likely to allow himself to be diverted from the vigorous pursuit in which he has engaged, or to stop in his career, in order to notice such an article as that to which I have referred, and which I therefore shall endeavour on his part to expose. He appears indeed too wary—armed at all points—too well acquainted also *with the lines of his enemy* to be misled by an IGNIS FATUUS; and with the experience of one who seems more accustomed to direct, than to follow, the operations of others, it appears to me that he has himself laid a snare, into which the *The Courier*, this doughty antagonist of the IRISH GIANT, if Irish he be, in his ardour to shew himself in glittering armour, has blindly fallen. With no common dexterity, Hibern-Anglus has opened a discussion upon a subject, hitherto not considered as it deserved. Its importance has been felt in quarters where it has been the least expected or agreeable—and the secret dread of this new course of argument has been disclosed, in this vain endeavour to excite ridicule, and to misrepresent the writer's sentiments.

Your Correspondent Hibern-Anglus, had stated that England was only a part of the United Kingdom, and that Ireland and Scotland had a right to expect that the general interest of the WHOLE EMPIRE should not be sacrificed to the local interests or prejudices only of a part. “The people of Scotland *and* Ireland (I transcribe his words) have a right to protest against any system of GENERAL POLICY adopted solely with reference

to English prejudices, and with a view to *local establishments* with which the EMPIRE GENERALLY has no concern." It is obvious that this writer meant to speak of Scotland and Ireland *conjointly*, combining their wealth, population, and political importance; and alluding to the question of religious toleration, he observes, that "England, however considerable, is *only a part*, and not *the most flourishing and united part* of the British Empire." That the progress of Scotland and Ireland, during the last thirty years, has been more rapid *proportionally* than that of England, I will venture confidently to affirm. The inquiry may not be very material, but *I shall leave it to The Courier to explain the POLICY of reminding the people of Ireland, that their improvement has been retarded, their burthens encreased, and rendered so intolerable as to compel the necessity of recourse to extrinsic aid, only since the administration of its affairs under the system of a Legislative Union!* Is this the advantage promised by that measure, will naturally be the question of every Irishman in reading this article of *The Courier*; and even the more discreet friends of Administration, if any such they have, will be induced, I should think, indignantly to exclaim, is this the backing of your friends?

The Courier has been equally unfortunate in the demonstration of his fervent zeal for the interests of his Church, as in the application of his statistical knowledge. I will venture again to affirm, that if a *religious* census were had of the British Islands, it will appear that the MAJORITY OF HIS MAJESTY'S SUBJECTS ARE NOT OF THE CHURCH OF ENGLAND, and I believe *The Courier* will find it difficult to deny, that even in England the mass of Dissenters, including the Methodists, amounts at least to one half of English population. With the state of England in this respect I am not acquainted through the means of personal observation. I can judge only from the statements laid before Parliament; from the ferment and discussions recently excited by the Bill of Viscount Sidmouth; and from the language of the English Clergy themselves, who so loudly deplore the extent of secession from the Established Church, and the increasing growth of schism. *I leave it again to The Courier to explain the pru-*

dence of provoking an enquiry into this important point, upon which it is possible that he will be attacked from a variety of quarters amongst the sectaries of England; and to encounter them with success will require more formidable weapons, directed by a more prudent and steady hand, than those he has brought with him into the field to contend against Hibern-Anglus.

This delicate point has not been raised by Hibern-Anglus. In using the expression, "*united*," it may clearly be inferred, that he merely alluded to the religious divisions and jealousies which prevail in England. *The Courier*, with its wonted levity, has thought proper to quarrel with the expression, and to deny the fact, without daring by evidence to refute the assertion. There seems really a fatality in every proceeding adopted by Ministers or their supporters in defence of their late measures, and every attempt to justify their conduct stamps more forcibly their own condemnation.

To shew, however, the unfairness of the article under consideration. The attachment of Hibern-Anglus to the Church-establishment of England, is expressed in the most decided terms, sufficient to pacify the alarmed devotees even of the ANTIJACOBIN REVIEW. I shall beg leave again to quote his words, "Let the Church of England remain *as it is established*, a PART, but not be considered the WHOLE of the State—let it be represented by its venerable Bishops in Parliament—let the Houses of Convocation meet not merely in *form*, but for the transaction of ecclesiastical affairs, and in the same manner as the General Assembly, *although otherwise composed* (no lay representation you will observe) of the Church of Scotland—let the spiritual jurisdiction, exercised not, as at present, by laymen, but in future by *ecclesiastical* persons (a reform desired by the Antijacobin Review itself), and let even the temporal jurisdiction of the Church continue—may she enjoy *decorated with splendid and conspicuous honour* all her constitutional rights and privileges in their fullest extent—let them, if necessary, OBTAIN ADDITIONAL SUPPORT AND CONFIRMATION BY LAW." Such, Sir, are the sentiments of Hibern-Anglus, and it may afford your readers some amusement

to behold a PRESBYTERIAN OF SCOTLAND stepping forth to vindicate the orthodoxy of one who appears a HIGH EPISCOPALIAN; and yet, notwithstanding this distinct avowal of Hibern-Anglus contained in the same Letter, and only a few lines below the extract which has occasioned the animadversions, if such they can be called, the writer of the article in *The Courier* has ventured to charge this Gentleman with a wish to subvert the English establishment, “and to substitute the Presbytery of the North for THE CHURCH OF ENGLAND!!!”

I have thought it due to the cause of common candour, thus to expose the means by which it is sought to defend and keep in the present Administration, by their professed advocates. Desperate, indeed, must be that cause, which can be defended only by such a perversion of truth, and such wilful misrepresentation.

A SCOTSMAN.

Perth, 9th Sept. 1811.

LETTER III.

SIR,

By *The Courier* of the 16th inst. * I find, contrary to my expectation, that I have been honoured in that paper with its distinguished attention, for which I beg leave, through the medium of *The Morning Chronicle*, to express my grateful

* We have been much amused with the variety of Philo-Catholic prize-fighters, which the *Morning Chronicle* has brought forward on its stage, as champions for the Irish Petition. It gave us the hint of a small legion of honour to be composed of the awkward squads of all the different county Militias, Cambrians, Caledonians, Hibernians, and Anglo-Saxons, and one *lengthy* gentleman (excuse an Americanism on so motley a subject) who, with an enormity of stride, which reduces the Rhodian Colossus to a mere idol of Lilliput, places one foot on this, and the other on the opposite shore of the Irish channel, and entitles himself HIBERN-ANGLUS. The last, however, is a "Scotchman," who was displayed in the *Morning Chronicle* of Saturday. The English-Irish giant having surprised us with the information which we have already noticed in a former paper, that England has much to learn from Scotland, the Caledonian, with the characteristic emulation of his race, super-surprises us by the addition, that Scotland has much to *claim* likewise from England. O unhappy John Bull! then poor ignoramus! then ignorant pauper! a dunce and a debtor! empty of brain! and empty in purse: for we will not allow thee to be *ungrateful*, though all the *Morning Chronicle* combatants were to blend into one grand personage, and attempt to horror-strike us with the signature of Cambro-Hibern-Anglo-Scotus! It is difficult to be serious in commenting on the excretions of a writer who can gravely charge the British Parliament with ingratitude, in not having deemed it politic to repeal the Test Act for English Dissenters, almost a third of our population, because the Scotch had not applied for another Test Act in disfavour of a handful of Episcopalians, who, had they been Mahometans or Devil-worshippers, would have been too few to warrant legislative restriction. However persons may regret the Test Acts as applied to protestants of any description, yet this should not render them less sensible of the falseness of the analogy on which the Scotchman grounds his argument. But this, and his politic forgetfulness that if the prelacy, sanctioned and *set on* by the *Stuarts*, by Kings of their own skin and bone, persecuted the Scottish Presbyterians, those in their turn took ample vengeance on the Episcopalian Clergy, we shall pass by, for we do not

acknowledgements. I certainly feel happy in ascertaining that I have contributed to the *amusement* of the singularly good-humoured gentleman, who in the name of plurality writes in large letters for the Editor of *The Courier*, and I am now convinced that my second letter will not have excited in his

wish to anticipate, the fuller discussion of this important point, (the establishment of a national church in North Britain), considered as analogous to the case of Ireland, which will appear in the Letters on the Catholic Petition. Nor is it worth our while to flatter with the compliment of confutation, the absurdity of treating the concerns of an empire, as a dispute about obligation between testy individuals, with, Did I not do this for you? Well, but did not I in return, &c. &c. But as this writer is so impressed with the weight of obligation which the Union of England and Scotland has imposed on the former country, but still more as he has ventured to apeal as an historical fact, that "we (i. e. the Scotch Presbyterians) carried our confidence so far as to commit even *the establishment of our church*, and to which perhaps no nation was ever more strongly attached, to a Parliament, the majority of whose members profess a religion inimical to its tenets and form of Government," we will not content ourselves with *asserting* that the fact is directly contrary, but we will prove it by an extract from a contemporary historian.

Of all the historians of that period we have purposely chosen BURNET, not only for his known veracity, and now universally admitted impartiality, but likewise because the first, middle, last, and only slander, which party men, then almost delirious with malignant heats, ever rave against, that active and disinterested patriot, that excellent and primitive Bishop, but with which they never ceased assailing him, was (to use their own words) his glaring partiality to his countrymen, Scotland and the Scotch, and his strict adherence to Presbyterianism. It is notorious that the Bishop read much, and examined closely, for himself, before he presumed to write for others, and if the Caledonian of the Morning Chronicle, had even at a humble distance, followed his illustrious countryman's example, his statements would not have been in such direct contradiction to the following extracts from the history of the former. (Hist of his own Times, vol. ii. p. 458.

"The advantages that were offered to Scotland in the whole frame of the Union were so great and so visible, that nothing but the consideration of the safety that was to be procured by it to England, could have brought the English to agree to a project that in every branch was much more favourable to the Scotch nation. They were to bear less than the fortieth part of the public taxes; when four Shillings in the pound was levied in England, which amounted to two millions, Scotland was only to be

mind any painful reflection, although it has exposed, on his part, a MISREPRESENTATION, to which many of your readers may be inclined to apply the harshest epithets that the English language is able to afford. This very facetious gentleman appears indeed so highly favoured by nature in the constitution of his nervous system, that nothing can stop the cheerful vein of his ready wit; nothing can disturb the tranquillity of his mind. He has himself declared that he has been amused, aye, "much amused" with all the angry discussion excited by the conduct of the Irish Government. To him the serious scenes now acting on the theatre of Ireland are like a pantomime or puppet-shew, and as a person half inebriated in the back rows of the boxes, he claps his hands and vocife-

taxed at forty-eight thousand pounds, which was eight months assessment. It is held a maxim that in the framing of a Government, a proportion ought to be observed between the share in the legislature and the burthen to be borne. Yet in return of the fortieth part of the burden, they offered the Scotch the eleventh part of the legislature. "Besides this, England raised and sent to Scotland three hundred and ninety-eight thousand pounds, to be applied to the re-coinage of their money, to the payment of the public debts of Scotland, and the repaying to their African Company all their losses, with interest. And the overplus was to be applied to the encouragement of the Scotch manufactures. Trade was made free all over the island, and to the plantations, private rights preserved, and the laws of Scotland continued. To extinguish for ever all religious alarm, an act was passed by the Parliament of both countries for securing the Presbyterian Government, by which it was declared *to be the only church Government of Scotland, unalterable in all succeeding times, and the maintaining it was declared to be a fundamental and essential article and condition of the Union.*" Thus this act was made a part of the act of Union, and the faith of England and Scotland solemnly pledged, that it should be for ever super-parliamentary: and to argue that the majority in Parliament might cut all this guardian knot of security, is merely to say, that the stronger may oppress the weaker; and so it is doubtless true that an English army might surprise Glasgow, and put man, woman, and child to the sword. It is physically, though not morally possible. BURNET concludes by observing, that this precautionary measure, "gave an entire satisfaction to those who were disposed to receive any; but nothing could satisfy men who made use of public acts only to inflame others."—
(Courier)

rates *bravo* and *encore*! He would preserve, if not his merriment, at least the mildness of his philosophy, whilst Ireland should be tortured even into madness—he would write epigrams whilst reckoning the groans of an expiring nation *dum suspiria nostra subscriberentur*—and he would hardly be decomposed by a GENERAL CONVULSION OF THE EMPIRE—

Si fractus illabatur orbis
Impavidum ferient ruinæ.

Such is the fond security of Ministers—such their complacency with themselves—and such the spirit of their writers in the Treasury Journals.

The Courier is amused at the confusion created at the Proclamation of the Irish Government, as much, it should seem, as Nero was delighted with the conflagration of Rome. Whilst the Capital of the World was in flames, the Roman Tyrant tuned his lyre to the strains of lascivious love—and whilst all serious and considerate men are sleepless, by reason of their fears, alarmed at the consequences which may result from the rashness of Ministers in Ireland, and ruminating upon the final issue of the contest which they have occasioned, *The Courier* seems to enjoy *the fun*—beguiles the dread interval of time by pasquinades, quizzing not only the wild Irish, but even us poor wretched inhabitants of the North,—and seeks to lull its disturbed and weary readers to repose, by humming the praises of ENGLISH ROAST BEEF; not recollecting that even for that necessary article of English subsistence, a contribution must be raised from Scotland's barren hills, and Erin's dreary wilds!

NERO destroyed the most beautiful edifices of the Imperial city, merely for the gratification of tyrannical cruelty. THE CABINET OF DRAWING-ROOM PRIESTS so well described in the Letters of Hibern-Anglus, would desolate a most fruitful portion of the British Empire to satiate the lust of intolerance after persecution. Such is the nature of oppression; whether civil or religious, it will always adopt similar means, in order to disturb the peace of society and the happiness of mankind. I will not attempt to defend even our favourite Knox from some of this reproach, but if the writer in *The Courier* be a

member of the Sacerdotal Council, or one of its alguazils moving at its commands, subservient to its will, his joy would be unbounded at an *auto da fe*, when the whole community of Scotch Presbyterians and Irish Papists would be sacrificed at one common fire to the jealous bigotry of a NEW INQUISITION, which (contrary to all the principles of genuine Protestantism, and in imitation of the worst ages of Papal superstition now exploded, even by Catholics themselves) a few members of the ENGLISH CHURCH are endeavouring to establish against the opinions even of the Protestant Church of Ireland, whom it will not allow to be the best judges of its own interests. Should this Inquisition prove successful in Ireland, let us beware that an attempt be not made to intermeddle with the church government of Scotland. I know not indeed, where the arrogance, conceit, and imprudence of those persons to whom the management of public affairs is at present confided, may not prompt them ultimately to interfere. They seem, Sir, long since to have been seized with what I will call an *HIEREU-MANIA* *, and I dread the effects of such a terrible disorder, calculated to work the most fatal ravages in the system of political government. They began with their own hierarchy in England, but were frustrated. It is not, however, in their disposition easily to yield—they usually begin their operations by false assurances, and I like not a certain passage in *The Courier*, in which the writer is at such pains, without any necessity, to impress Scotland with an idea of its perfect security, as to the impossibility of any violation upon the constitution of the Scottish church. Alarm pervades England upon the subject of toleration—alarm pervades Ireland respecting the possible enactment of new penal laws; the Empire is in a state of general disquietude; and although to my countrymen I will not yet sound a similar alarm, I will nevertheless venture to recommend to them the utmost vigilance and caution.

* This idea, which means a Priestly mania, occasioned many humorous Letters in the *Morning Chronicle*, in a style similar to that of Pymley's celebrated Letters to his brother Abraham.

As to the existence of such a Cabinet as that at which Hibern-Anglus has hinted, (and he seems to me to be a person knowing more, if I am not greatly mistaken, than he chuses to communicate) my attention was much struck at the allusion; and I reasoned within myself that if his ideas were at all founded, proof would be afforded by the conduct of such a Cabinet on this occasion. The holy zeal of such men, I was convinced, would soon transpire, as it could not be suppressed; and it is not a little remarkable, that whilst the arguments of Hibern-Anglus upon the law and policy of the proclamation are wholly unnoticed and unanswered, that paragraph alone has been noticed in *The Courier* which points at this secret influence behind the throne greater than the throne itself. I leave the reader to draw the natural inference from this circumstance, and from the manner in which the paragraph has been noticed in a futile attempt at misrepresentation, and to raise a cry.

However this may be, the public will not consider the serious controversy which has proceeded from the acts of Ministers in Ireland, the *real agitators* of the *Catholics*, to be a proper subject of jokes and pleasantry. They may please the good and pious gentlemen in the shops of Mr. Hatchard, or of Mr. Stockdale, jun.—They may impose upon the solitary country squire, enjoying the field sports of the season, and who will swear by his Newspaper as by his Bible, reading perhaps as little of both; but they will not satisfy the inhabitants of towns and cities, where politics are most discussed, and where men form their opinions upon a knowledge of what is advanced by all contending parties. *Writing for writing's sake*, and because it may be thought by higher powers necessary to *say something* (which seems to be the history of the articles inserted upon this subject by *The Courier*) will not do. Arguments must be met by argumentation, and facts contradicted not by hopes and wishes, but by satisfactory evidence.

To contend further with the paragraphs of *The Courier*,

would be to thrust at shadows; I shall therefore leave them with a few parting observations.

In the number and power of episcopalians at the time of the union in Scotland, *The Courier* is miserably' misinformed. They were at the least as powerful as the English Catholics, and the latter may possibly be inclined to retort upon *The Courier*, and to say in his own words, "*had they been Mahometans, or Devil worshippers, they would have been too few to warrant legislative restrictions,*" especially such restrictions as are imposed not upon other Dissenters from the English church.

As to what *The Courier* denominates "an act SUPER-PARLIAMENTARY," I must observe in the first place; that the idea to me is wholly unintelligible. To make unalterable laws has always appeared to me an impossibility. I shall beg leave further to inform the writer in *The Courier*, that his theory is contradicted by the fact, that although the Presbyterian Government was declared to be the only Church Government of Scotland, and, to use the words of the author whom he has quoted, TO BE UNALTERABLE IN ALL SUCCEEDING TIMES; within a few years after the Union, its Constitution *was altered* by an ACT OF THE BRITISH PARLIAMENT, under which the jurisdiction of the Church over the Laity in *foro externo* became and continues annihilated—her Courts deprived of all compulsive process—all aid to her decrees from the temporal authorities denied—and she is reduced nearly to the same state as the CATHOLIC CHURCH OF IRELAND, at liberty to pass *merely spiritual* censures against those who *voluntarily* may submit to her judgment, but unable to *compel* appearance before her tribunals, or to enforce her decrees by any external co-action. What will the writer in *The Courier* reply to this undeniable fact? If he doubt it, let him open the statute-book; and in the pages of Smollet he will find that this Act passed contrary to a remonstrance of the GENERAL ASSEMBLY OF THE SCOTTISH CHURCH. So much for what he has denominates "a GUARDIAN KNOT OF SECURITY!!!"

With respect to the application made on behalf of Scotland

for a repeal of the Test Act, it was subsequent to, and unconnected with, that of the English Presbyterians. It proceeded upon the Articles of Union, declaring that there should be a communication of rights and privileges, and that Acts should be passed to carry that principle into effect. *The Courier* wishes not to anticipate his letters, and I will not on my side anticipate the arguments which probably will be more ably urged in the approaching Session, upon a RENEWED PETITION ON THE PART OF SCOTLAND TO THE IMPERIAL PARLIAMENT.

She has indeed an important interest on every account in the controversy, which entitles her to be heard and consulted. It will also be sound policy in her to interpose her powerful mediation between Ministers and the people of Ireland, in order to secure the CONSOLIDATION OF THE EMPIRE. In this part of the United Kingdom, we conceive that religion is a matter solely between man and his Creator, and whilst our own religious opinions are not molested, we conceive not that we are authorised to molest others, and to subject them, on account of religion, to civil incapacities. We have heard of persecution by Catholics, we have experienced the same equally from English Protestants, and we have, perhaps, retaliated at times cruelly upon both; but the days of persecution in Scotland are gone by, NEVER TO RETURN. We know the Catholics of the present day as honourable, loyal, religious men, discharging, with conspicuous fidelity, all the duties of society. We allow them to be Justices of the Peace, to be Conveners of our counties (an office of high confidence and honour, unknown in England)—we associate with, and respect their Bishops and Clergy—we have become acquainted with the amiable Nobleman who presides over the Councils of the Irish Catholics, and we are proud in the reflection that our principal University has contributed to finish the education of a Noble youth, his son, born to a situation of exalted rank, and formed, by talents which he has received from nature, to do honour to the Peerage and to the persuasion of which he is a Member. He has received from Edinburgh, which has thought itself honoured by the mark of confidence

evinced on the occasion, that which Oxford must have felt itself bound to have refused; and the Catholic youth of Ireland and England crowd to our Universities, where they are enabled to pursue their studies in common with the youth of Scotland, enjoying equal liberty of conscience and equal rights.

Such, Sir, is the state of opinion in Scotland. We fear not from a measure tending to tranquillize Ireland, and to encrease the interest of its population in a connection with Britain, any inconvenience, but much advantage to every establishment, civil or religious. We consider our own Church as secure; and we are at a loss to ascertain the grounds on which danger can reasonably be apprehended to the Church of England. MAJESTATE SUA ILLA SE DEFENDAT; and if with all her dignities, her pompous ceremonies, and formal prayers—with all the allurements of the pealing organ and well-tuned anthem—with all her wealth also, and powerful influence—she cannot maintain an ascendancy over the minds of her children, or they chuse to desert the temples of her worship, it may be her misfortune, but it is not our concern. Scotland will never consent to risk the peace or salvation of the state, in order to gratify the pride of an English Dignitary; nor will she lend her assistance to maintain a vestige of former intolerance, to the reproach, if not to the oppression, of those who profess with her the same religious creed. She will consider the wishes of the Protestants of Ireland anxious for the emancipation of the Catholics, upon a point in which they have the greatest interest, more entitled to consideration than the visionary alarms of a few selfish individuals, desirous only of retaining a power obtained merely by delusion—she will lament the severe visitation which still hangs heavy on the Crown, but at the same time she will consider, that, as far as this question is concerned, it is in the present state of things more free to accomplish what not only may be desirable for the public welfare but contribute to the ease of a Royal Sufferer, in case the dawn of reason should again return. She will, under such circumstances, regard the agitation of this great question differently from former applications at former

periods—she will contemplate the matter, not through the narrow and confined vision of local interest, but in the expanded view of GENERAL and IMPERIAL POLICY; and holding, perhaps, the balance in her hands, she will endeavour equally to support the establishment of the Church, and the liberties of all classes amongst his Majesty's subjects.

Hoping that this letter will also *amuse* and divert *The Courier*, I remain, &c.

A SCOTSMAN.

Perth, Sept. 20th, 1811.

THE END.

W. LANG, Printer, }
62, Bell-Street. }

The following is a list of the names of the persons who have been
 named in the above mentioned report, and who are now in the
 custody of the United States Marshal at New York, and who are
 held for the purpose of being tried in the case of the
 "Herald of Freedom".

[illegible]

